# ENQUIRY . .
# COMMITTEE
# REPORT . . .

# ORISSA STATES

**1939.**

CUTTACK.

# REPORT

## OF THE

# ENQUIRY COMMITTEE

# ORISSA STATES

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ORISSA MISSION PRESS,
CUTTACK.

**Price Rs. 5-0-0**

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# FOREWORD

The Report of the Orissa States Enquiry Committee as considered and approved by the Working Committee of the Orissa States People's Conference is going to the press after passing through a series of vicissitudes which delayed its publication so long. The theft of the Dhenkanal and Keonjhar files, the political upheaval in the Orissa and other States and other pre-occupations of the members of the Committee had much to do with this delay. The Committee presents this Report to the public with confidence and hope that its contents will be useful to them in the formation of their policy regarding this complex problem which calls for immediate attention.

Much is not known outside Orissa about the *Garjat* States. They are 26 in number and cover about 28,444 square miles, part of the Congress Province of Orissa. The Report presents a comprehensive picture of the conditions prevailing in them. There are certain special and unique features that distinguish this group of States. The Committee has tried its best to describe them as they are found to exist.

For obvious reasons the Committee has felt it necessary not to disclose the identity of the witnesses at this stage of its proceedings. The Committee will be prepared to use the material at its disposal if it becomes necessary at any further stage to do so.

The Report is published in two volumes. The first deals, besides the general survey of the problem of the States, with the affiairs of 26 States individually. The second places before the public a selection from the voluminous evidence and original documents now in possession of the Committee.

The Committee has been assisted in its labours by friends and colleagues who have made the prepara-

tion and the publication of this Report possible. We are sincerely grateful to them all for having lightened our task. When many have worked and laboured, it would be invidious to pick out names. But we cannot help mentioning the names of Sri Sarangadhar Das, Secretary, Orissa States People's Conference who has ceaselessly laboured for the success of the mission entrusted to us and of Sri S. S. Dhavan, Bar-at-law, the Director of the Research Bureau of the All-India States People's Conference, who has co-operated in the drafting of the Report.

The Committee also acknowledges with thanks the help rendered by Sri Shyamasunder Misra of the Servants of India Society in going through the manuscripts and correcting the proofs.

We are thankful also to the Orissa Mission Press, which printed the Report, practically in a week, overcoming heavy odds which had stood in the way of earlier publication.

H. MAHTAB,
L. M. PATNAIK,
B. G. MEHTA.

*Cuttack,*
*18-7-39.*

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# REPORT

OF

# THE ORISSA STATES ENQUIRY COMMITTEE

## PART I

### PERSONNEL AND TERMS OF REFERENCE.

THE Committee was appointed in June, 1937, in the second session of the Orissa States People's Conference which was held under the presidentship of Dr. Pattabhi Sitaramayya. Sri Satish Chandra Bose, Bar-at-law, one of the members, could not join the Committee owing to domestic reasons. Sri Brajasundar Das, a landlord and a prominent member of the Orissa Legislative Assembly, another member of the Committee, was prevented by illness from participating in the work of the Committee. The Working Committee of the Orissa States People's Conference, in its meeting of the 6th June, 1938, with the consent of the President of the Conference, reconstituted the Committee as follows:—

1. SRI HAREKRISHNA MAHTAB,
   *Member, All-India Congress Working Committee.*

2. SRI LALMOHAN PATNAIK, B.A., B,L.,
   *Secretary, Orissa Christian Education Board and ex-Secretary, Utkal Union Conference.*

3. SRI BALVANTRAY MEHTA,
   *Member, Servants of the People Society.*

The terms of reference are embodied in the following resolution of the said Conference:—

This Conference notes with regret the prevalence of various kinds of illegalities and of repression in most of the States of Orissa and of occasionally morbid tastes of some of the Princes leading to

unspeakable events, and hereby appoints a Committee of Inquiry with Sri Sarangadhar Das, Secretary, Orissa States People's Conference as convener, and requests it to investigate these illegalities, and acts of repression and to prepare a report thereon and submit the same to the Working Committee of the Conference for such action as it may deem fit.

List of illegalities, excesses and acts of repression :—

(a) Restriction on grazing rights, and loss of forest rights in general,

(b) Levy of hospital cess and inadequate medical facilities.

(c) Restraint on free export of paddy and rice and of Rabi crops.

(d) *Rasad, Magan, Bheti, etc.*

(e) i. Not recording evidence in Court cases,
ii. Lack of facilities for defence in Court cases.

(f) Trade monopolies of salt, kerosine, *pan* (betel leaf), *bidi* meat, cane-crushing mills, etc.

(g) *Bethi* in regard to Shikar, road-making, extinguishing forest fires and other purposes.

(h) Demand of premium on mortgages of Rs. 8/- per *mana* and on sales of Rs. 10/- in some of the States.

(i) Interference in social matters.

(j) Interference with educational budget, and demand for building and repairing schools by the people despite the levy of an education cess.

(k) Increase of rent by re-settlement by 200 to 300% in some of the States.

(l) And occurrence of unspeakable events arising from a certain morbidity of taste and temperament.

Sri Mahtab was elected Chairman of the Committee in its first sitting at Cuttack on the 20th June, 1938. The Committee held its sittings at Cuttack, Jajpur Road, Balasore, Jharsuguda, Sambalpur, Angul, Bolgarh and Kalupara Ghat in June and July, 1938. It visited Angul again and took evidence at Banarpal on the 30th August, 1938. On this occasion fresh and more voluminous and authentic evidence was recorded from Dhenkanal. The Chairman of the Committee had occasions to visit the States of Nilgiri, Dhenkanal, Talcher and Ranpur, where he had several opportunities to study the conditions prevailing in those States at first hand. The Committee held several sittings and examined 2,000 witnesses.

## QUESTIONNAIRE.

Before the first formal sittings of the Committee at Cuttack in June, 1938, a questionnaire was prepared by the office which was approved by the members and circulated in the Orissa States. Another questionnaire was prepared by the Committee sometime after its work had started and was circulated to the public bodies and persons interested in this work. Both of them are given in this report.

## CO-OPERATION OF THE RULERS.

The Committee, in its very first sitting decided to seek the co-operation of the Rulers of the Orissa States. Sri Mehtab, the Chairman of the Committee, wrote letters to the Chiefs inviting their co-operation in the work undertaken by the Committee. The Committee was prepared to visit the States and take evidence both from official and non-official witnesses, if the Rulers had no objection. But, there was absolutely no response from them to the letters.

The Chairman again addressed the Rulers requesting them to send copies of their Annual Administration Reports together with other relevant information throwing light on the affairs of their States. Copies of the questionnaire were also sent to them to enable them to supply authentic information from the point of view of the administration of the States concerned for the information of the Committee. There was no response from the Rulers to all these communications. Only the Durbar of Patna was good enough to send a copy of its Annual Administration Report.

## THEFT OF DOCUMENTS.

The Committee was favoured with the attentions of the C. I. D.s from many States, especially from that of Dhenkanal. The activities of its members and the premises in which sittings were held were closely watched and the members as well as witnesses were shadowed even though the Committee was carrying on its duties in the Province of Orissa.

One, Mr. Brindaban Dhal, ex-Superintendent of Police in Dhankanal State, offered to assist the Committee in its daily routine. He himself came forward with evidence in which serious allegations were made against the State and the Ruler of Dhenkanal. He gave the Committee graphic account of how he was ill-treated and oppressed while in service in that State and how the intervention of the Political Officers had failed to secure redress of his grievances. This gentleman, who was assisting the Committee in the work of sifting the evidence, bolted on the 6th August, 1938, with the Dhenkanal and Keonjhar files in possession of the Committee. All attempts on the part of the Orissa Police failed to secure the return of the files concerned, nor was the man to be found. Several witnesses who appeared before the Committee from Keonjhar State were, shortly after the disappearance of the said file, consigned to prison.

## HANDICAPS.

The Committee had to face a number of difficulties in the completion of its work. The Orissa States number 26, covering an area of 28,444 sq. miles with a population of 46 lakhs. They extend for 170 miles from North to South and about 240 miles from East to West. It was not easy to cover all these States with the scanty resources at its disposal. The witnesses also had to travel long distances and undergo many hardships in order to appear before the Committee.

In view of the attitude of non-co-operation that the authorities in the States had adopted, it was not possible to visit territories of the States. In spite of this, it was surprisingly encouraging to see large numbers of people who turned up before the Committee with voluminous original materials in justification of the points they desired to make.

The witnesses, in several cases, were asked not to appear before the Committee. In some cases, they were prevented from going to the places of enquiry. In one case, the authorities even used the name of the Political Agent for frightening the people. Some of the witnesses, who dared appear before the Committee, had to suffer a lot for having done so.

# Chapter I.

## The Fundamentals of the Problem.

In any investigation of the problem of the Orissa States, one cannot forget to take certain essential conditions that exist in them into proper consideration. These States are, more or less, still primitive. The people subsist generally on agricultural and forest produce. There is a large population of aboriginals. The States are governed, in contrast to the system in vogue in other parts of India, by Rulers under direct advice and guidance of the Political Officers. The form of Government is patriarchal, autocratic and medieaval. Social and religious usages remind one of times that have now faded into history.

The States numbering 26 in all cover an area which is about the size of the smallest of the Indian Provinces. The aggregate income of all the States combined comes to about one crore of rupees which is much less than that of the Province of Orissa. Its population is only half of that contained in the latter. The smallest State, Tigiria is 46 sq. miles in area with 24,680 of population and Rs. 45,000 revenue.

The people of these States have everything in common with their neighbours in the Province of Orissa, except in the matter of administration. Common culture, social usages, religious thought and mode of living bind the people otherwise cut up in several political jurisdictions. The same literature inspires them and awakens common ideals and aspirations.

### HISTORY OF THE POPULAR MOVEMENT IN THE ORISSA STATES.

The birth of the Orissa States People's Conference in 1931 and its second session in 1937 were not stray accidents in the history of this province. If one examines the notable events in the humdrum existence of the people in these States for the past 25 years or so, one will be surprised to learn that in these tracts governed by the Chiefs under the direct advice of the British Political Officers there have been several popular uprisings aimed at securing redress of some urgent economic and political

grievances. People in Baud, Bamra, Rairakhol, Ranpur, Nayagarh, Nilgiri, Talcher and many other States have spontaneously risen several times against arbitrary enhancement of land rent, *bethi* and other crying economic and political grievances. Severity of *bethi*, requisitioning of goats and buffaloes for sacrificial purposes, fees for killing wild beasts damaging the crops in the fields, grazing fees and increment of land rent are some of the prominent causes which have led to these risings.

In **Bamra**, there were four popular movements against the arbitrary increase in land rent, within a period of 28 years led by Hara Padhan, Bhagavatia Padhan and Jagannath Garnaik, Daitari Hota and Bhagban Patel, respectively. Some of these were beaten and put in Jail, some were fined, while the rest were banished from the State. The fifth movement started in 1928 against the Meefar Settlement which increased the land rent still further. About 4,000 people advanced towards the Bungalow of the Political Agent at Sambalpur for demanding redress. A no-rent campaign was started on the failure to secure redress from the Political Agent. Six *Gauntias* (village headmen) were arrested and imprisoned for 3 months. Some leaders lost their jobs in service and 4 *Gauntias* were deprived of their *Gaunti* rights. Section 144 was served on Dayananda Satpathy and 5 others. The former had to go to prison for a month and a half. Several others were dealt with under various charges. The movement was thus suppressed.

In 1937 some persons had to disobey orders under Section 144 for which they were sent to prison for six months. In 1938 Kandarp Padhan, Krisna Padhan and 23 others asked the authorities to grant the people fundamental rights of citizenship. They were sent to prison for 3 years each under Section 110.

Land rents were increased in **Baudh** in 1930 under the new Settlement. There was an increase of 100, 200, 300 and in some cases 400 per cent in different places. About 2,000 people went to the Raja to lay before him their grievances. The officials prevented an approach to the Raja. Twenty-seven Khonds then went to Sambalpur

to get relief from the Political Agent. On their return to the State they were cruely beaten and imprisoned.

In **Daspalla** in the year 1913, there was a great rising against the Paramount Power's recognising the adoption of the successor of the deceased Ruler, ignoring the claims of one of the agnates of the Ruler. To quell this, very severe oppressive measures were adopted. It is said there were public hangings and looting and arson on a very large scale. Even to-day people shudder to think of the horrors of that period.

In 1928, people of **Nilgiri** started a popular movement against *bethi* and *magan* and in the course of this movement, about two thousand people left the State and came away to Balasore. Ultimately the Paramount Power intervened and a settlement was arrived at. Mr. C. F. Andrews has mentioned this struggle with his comments in his book "India and Simon Commission."

In **Talcher**, when the miscellaneous cess was first levied in 1911, there was an agitation which was suppressed by punishing the leaders. Another movement in 1922 was similarly dealt with. Again the question was agitated in 1932 but to no purpose.

In **Dhenkanal**, at the end of the 19th century the Manager of the State contemplated enhancement of rent under a new settlement. One thousand people came and protested, in consequence of which the idea was abandoned. Again in 1922 the management wanted to revise rent. Forest rules were also revised and enforced just then. Against both these there was much resentment and agitation. Some redress was effected, but four of the leaders were charged with conspiracy and were sentenced to imprisonment for three years. This gave a set-back to the movement.

## CONDITION OF THE PEASANTRY.

The peasantry has no full land rights in all these States. It is liable to ejection in spite of its long possesion and enjoyment for generations. The claims of reclamation were of no avail to it.

Besides, there are no rules for remission and suspension of arrears in the land rent. A default in payment

means the confiscation of land which is sold to the highest bidder without the balance, if any, over the arrears being refunded.

The agrarian situation in these States is getting more acute everyday by the increase in rents, which knows no check, aggravated by the present economic depression. The peasantry is naturally restive and shows signs of impatience for the lightening of the burden. Much valuable land remains uncultivated as the outside people are not attracted by the conditions on which it is given on rent. Insecurity of tenure and liability to arbitrary increase in rents are the two stumbling blocks which create serious difficulties in the way of increasing cultivation over vast blocks of rich land which might bring prosperity to the local population and add substantially to the State treasury.

## SYSTEM OF TAXATION.

The system of taxation now prevailing in these States defies all canons of sound finance. Land is heavily taxed without regard to the capacity of the peasants to pay. Neither the wholesome rules of Manu regarding land tax, nor the scientific principles of land-revenue assessment evolved by the experts of the British Government in India are observed by the Rulers of these States.

Land-revenue in British India is considered to be high enough and there is a wide-spread demand for its substantial reduction. But the same rent in the States is higher still. The following figures that are available will show that incidence of rent in the States is higher than that in the Orissa Province. The figures indicate the highest incidence for the best class of land. Had space permitted we could have compared the figures for other classes of land as well.

| Name of States | Rate of rents per acre (highest rates) | | |
|---|---|---|---|
| | Rs. | A. | P. |
| Tigiria | 2 | 11 | 5 |
| Narsingpur | 3 | 12 | 5 |
| Keonjhar | 3 | 0 | 0 |
| Gangpur | 2 | 7 | 0 |
| Daspalla | 3 | 4 | 1 |
| Baramba ... | 3 | 8 | 3 |

| Name of States | Rate of rents per acre (highest rates) Rs. | A. | P. | |
|---|---|---|---|---|
| Mayurbhunj | 4 | 5 | 7 | |
| Kalahandi | 6 | 11 | 0 | |
| Pallahara | 2 | 12 | 0 | |
| Nilgiri | 5 | 0 | 0 | |
| Kharswan | 4 | 0 | 0 | |
| Nayagarh | 3 | 4 | 1 | |
| Bonai | 1 | 13 | 0 | |
| Athgarah ... | 3 | 8 | 3 | |
| Patna ... | 1 | 8 | 0 | |
| Sareikala | 4 | 0 | 0 | |
| Khandpara | 2 | 5 | 6 | |
| Hindol | 4 | 11 | 0 | |
| Boud | 2 | 10 | 0 | |
| Bamra | 3 | 8 | 3 | |
| Athmallik | 2 | 11 | 0 | |
| Dhenkanal | 2 | 11 | 9 | |
| Talcher | 3 | 4 | 1 | |
| Ranpur | 4 | 11 | 0 | (single crop) |
| ... | 2 | 10 | 0 | (double crop). |

In Sareikala and Kharswan the highest rate of rent per acre is Rs. 4/- whereas in the neighbouring British Indian area of Singhbhum (Kolhan) the highest rate of rent is Rs. 1-1-0 per acre. In Athgarah, Tigiria, Baramba, Narsingpur average would come to Rs. 2-8-0 per acre whereas in the neighbouring British Orissa area of Banki average rent is Rs. 1-3-5 per acre. The rate of rent in Angul is Rs. 2-11-9.

Added to this there are numerous other taxes, fees, salamies, levies and monopolies; education cess varying between half anna to two annas three pies per rupee of rent; hospital cess varying between half anna to one anna six pies per rupee of rent; forest cess varying between half anna to one anna three pies per rupee of rent; road cess or miscellaneous cess varying between six annas to one anna and six pies per rupee of rent (such cesses are levied in lieu of *bethi* and *beggari*, but in actual practice this excessive cess is collected over and above the *bethi* which is also realised as before in many States); grazing fee at one anna to Re. 1-4-0 per cattle per year; tax on industrial castes; special cess on sugar-cane; cess

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for using sugar-cane crushing machine; tax on landless labourers; fruit cess; cess for exporting grain or merchandise; fee for adoption; salami for permitting widows to adopt (and such fee is in many States levied at the rate of Rs. 5/- or thereabout per acre of land); in many States levy of income-tax; tax on salt, kerosine, *bidi*, tobacco, *pan*, cocoanut, coir, meat and many other articles and necessaries of life through monopoly; in some States special fees for permitting use of double plank doors, use of any head-dress, use of palanquins, tax on plough and many other taxes have been levied. In the reports given in this book on Athgarh and Talcher, the details of different taxes and cesses will be found. What is true of these States is also true of most of the States.

In a poverty-stricken area which has no other sources of income except land, this heavy and iniquitous burden has broken the backs of the peasantry and created conditions ripe for an agararian revolution, a very mild type of which has already manifested itself in several States in Orissa.

The system of monopolies in the daily necessaries of life like salt, kerosine, *pan*, cocoanut, etc., hits the people very hard, increases prices in those commodities, encourages sale of inferior stuff and sets the law of diminishing return in motion with the consequent fall in consumption of the articles concerned.

## PRIVY PURSE.

From all evidence that we have been able to gather and from all our careful enquiries we are led to believe that the Rulers generally spend about half the public revenues on themselves and their families.

Besides the sums ear-marked in the State Budgets for the 'domestic department,' there are various other devices which the Rulers and their advisers have found out by which a good portion of public money is diverted to the private treasury of the Raja.

As a specimen of how the Rulers spend the bulk of the State revenues on themselves leaving a very scanty pittance for the purposes of State adminstratation, we give in detail the position as it exists in the State of Nilgiri. What is true of Nilgiri is also true of most of the other States in a large measure.

## NILGIRI.

| | | |
|---|---|---|
| Gross Income | | Rs. 1,71.000 |
| Net Income | | Rs. 1,50,000 |
| Budgeted amount for Domestic Department | | Rs. 50,000 |
| Palace charges debited to other departments | Forest | Palace Garden and Cattle |
| | P.W.D. | Palace Electricity<br>„ Theatre Electricity<br>„ Billiard Table „<br>„ Theatre Painting<br>„ Zenana Garden |
| | Education | Education of Junior Rani's relatives |
| | Medical | Palace Doctor<br>„ Nurse<br>„ Medicine<br>„ Toilet<br>Fees of the Specialist Doctor for the Palace use |
| | Veterinary | Palace stable |
| | Police | Palace attendants<br>Palace Music Band |
| | State Guests Department | Rani's relatives |

These invisible charges combined with the visible

Rs. 50,000 will bring the amount used by the Raja on his personal and family account to more than one-half of the total income of the State. Apart from this there are several other sources of income which are not accounted for in the Budget. These go to swell the private coffers of the Ruler.

## NATION BUILDING DEPARTMENT.

There are no Municipalities and Local Boards under the management of the people in most of the States. Hospitals, dispensaries and schools are few and far between. The money devoted to these nation-building activities is very scanty. People have no say in the administration of these departments. Officers are generally the favourites of the Rulers and owe their jobs to their unfailing fulfilment of Raja's wishes and whims.

## SYSTEM OF JUSTICE.

There is no independent judiciary. Judges are dependent on the whims of the Rulers for their tenure in service. They could be transferred to any other department, degraded or dismissed according to the caprice of the Ruler concerned. Very few of the Judges and Magistrates are really qualified for the work entrusted to them. In some States, members of the Raj family or other favourites and dependants of the Raja are asked to take charge of these responsible positions. The subjects of these States can hardly have any confidence in the Courts presided over by them.

Laws are not generally codified, printed and made available to the general public. Pleaders are allowed only with the permission of the local authorities in most States. The Raja or the Political Agent, being the supreme head of judiciary, executive interference in judicial matters is very common. The people have no right to sue the State for damages in civil cases. It is not possible to prosecute State servants for criminal offences without the permission of the higher authorities, which is not easily forthcoming.

## PUBLIC SERVICES.

There is no security of service in these States. The officers are appointed, promoted, degraded or dismissed according to the sweet will of the Raja. There is no fixed cadre. The system of pension on retirement is generally not introduced. There are no fixed principles to govern the recruitment of public servants. Nepotism is rampant. Services being ill-paid and mostly unqualified, efficiency suffers to a considerable extent and bribery as well as other forms of corruption are widely prevalent in most of the States. We have evidence of even Dewans and Rulers accepting bribes in consideration of services to be rendered.

The above-noted points will be best illustrated by the following interesting facts about the State of Talcher, which is now figuring prominently in the public eye because of the famous exodus of its people.

The Ruler is the head of the State in Talcher. The heir-apparent is the Sessions Judge. The Pattayet (the second son of the Raja) combines in himself the responsible posts of Revenue Officer, Magistrate and Controller of State accounts. One brother of the Raja holds the post of Assistant Revenue Officer. Two cousins of the Raja are Tehsildars, another cousin is the Chief Police Officer, still another Excise Officer and a brother of the Raja is the Forest Officer.

Administration in this State has become almost a family affair. Seraikella, the State over which the leader of the Orissa Chiefs holds his sway has also the same story to tell. The Ruler is the President of the State Council, his brother is the Development Officer, another brother is the Home Member, another a Collector, another the Superintendent of Police, another the Superintendent for Agriculture, another presides over the first Appellate Court and yet another is the Magistrate.

"As regards staff one would find many dismissed servants as officers of the States occupying very responsible

posts. If the Province of Bengal has a Police Commissioner at Calcutta why not Dhenkanal have a Commissioner of Police? A person of the status of an Assistant Sub-Inspector of Police (in many cases dismissed servants) would have the glorified name of the Superintendent of Police or Asst. Police Commissioner, etc. In other States one would find District Magistrates, Sub-Divisional Officers, Prime Ministers, Judicial Ministers, Sessions Judges and such other glorified positions. In others Magistrates are ordinary Matriculates or even non-Matriculates with no experience or legal knowledge or education worth the name. " An office clerk to-day may be a District Magistrate to-morow."

## CIVIL LIBERTY.

Civil liberties are non-existent in these States. It is only recently that a few States like Mayurbhanj and Nilgiri have allowed the people to exercise partial civil liberty in the form of public meetings and *prajamandals*. This is due to the political upheaval that shook several States in Orissa. Even now *parjamandals* in most States are declared illegal by the authorities concerned.

People are not allowed to hold public meetings. Any organisation of the people is tabooed. There is no free press. Newspapers from outside are either not allowed or persons subscribing to them are suspected. We have evidence to show that the people of Keonjhar State were not allowed to enrol themselves as members of the All-India States People's Conference in 1931. People in Keonjhar, Athgarh, Narsingpur, Hindol Rairakhol and other States were prevented by the authorities from becoming either members of the Orissa States People's Conference or of their own local organisations. Witnesses from Ranpur and Dhenkanal States have deposed that they were asked not to appear before this Committee. People of other States like Keonjhar and Khandpara were actually threatened and prevented from reaching the place of enquiry.

Detention without trial, deportation and confiscation of property are fairly frequent. Beatings, assaults,

criminal assaults on both men and women and tortures by petty officials or the palace underlings are not unusual.

## GENERAL CONDITION OF THE PEOPLE.

**Bethi**:—We have had overwhelming evidence, substantiated by original documents to show that the general condition of the people is very miserable. Besides being ground down by a crushing burden of inequitable taxation, and deprived of all elementary rights of citizenship, the people in these States are suffering under a heavy dead-weight of customs, usages and exactions, which, one might say, has nearly taken the life out of them.

The amount of time lost by the peasants in doing *bethi* is staggering. *A peasant spends over one hundred days of the year in doing forced labour for the States or its officials.* He is liable to be called up at any time of the day or night. He must leave his own work, however urgent it may be, on pain of being beaten, fined, or even imprisoned. If it is harvest season, the crops must wait. If it is sowing season, the sowing must be postponed till he returns after performing the labour forced on him. Moreover, the peasants are at the beck and call of the minor officials of the State who make them do their private jobs. Of all the exactions under which the peasant is suffering *bethi* is the most oppressive. It keeps him in grinding poverty. What is worse, it prevents his emergence from a state of serfdom. It might have served a social purpose in the days of feudalism hundreds of years ago when the peasant did labour for his lord in return for protection and other rights. But, to-day it enables the Ruler and his officials to grab what otherwise they cannot afford to pay for. It is an invisible addition to the privy purse of the Ruler. It has become an engine of ruthless repression.

In spite of the Geneva Convention abolishing forced labour, to which the Government of India is pledged, this system persists in the States. Under the terms of the Sanads governing the relationship of the Chiefs and the

Paramount Power, the former are bound to accept the advice of the Political Officers, who have, it appears, not exercised their undoubted influence and weight on the side of the abolition of this system. We were astonished to find that the Political Officers have been party to sanctioning and sanctifying this system. We find that a set of rules regulating *bethi* and providing punishment for default have been sanctioned for the States of Athgarh, Baramba and Narasingpur by Mr. Scott, the Political Agent and Commissioner.

Mr. Lothian, the Special Political Officer, who investigated the problem of the constitutional status of the Orissa States a few years back asserts that "(Begar) or so-called forced labour exists in nearly all the States. * * * * . Its prevalence in these States which have been so much under the control of the Local Government may be a matter of surprise. * * * * . What happens, in fact, *e.g.*, in Talcher, is that, the Ruler commutes all 'Begar' in return for a four or five annas enhancement in rent, then finds that either he cannot meet or is unwilling to face the cost of doing the work by ordinary paid labour, and so the "Begar" or at least a part of it, goes on as before. The danger of this sort of swindle is very real. * * * * . My view therefore is that it is far better to try to regulate 'Begar' as has in fact been done by the Political Agents or the Local Governments than to attempt in present circumstances to eradicate it, when this attempt is fordoomed to failure."

The above opinion of a senior official of the Political Department reflects, it appears, the views of his department. It is therefore evident that this pernicious system is deliberately maintained, much against the wishes of the people and with the help of the British troops. The responsibility is not only of the Rulers, but also of the Paramount Power.

Some of the States, it is true, have declared the abolition of *bethi*, but nevertheless it still exists with the added burden of a 'Bethi' or 'Road' cess which usually amounts to annas 3 or 4 or 5 per rupee of rent. However,

in many cases the declaration remains on paper, and the Rulers merrily continue to exact *bethi.*

**Rasad.** (Forced requisition of provisions):—We take the following from the rules sanctioned by Mr. Scott, the Political Agent, for the three States of Baramba, Athgarh and Narsingpur:—

(14) *Rasad* shall be supplied to officers named in the schedule attached to these rules and their camp staff in the qualities indicated therein and at current market rates. * * * * * *.

(15) Failure to render *bethi, begar.* or to supply *rasad* in accordance with these rules shall render a tenant *liable to ejection from his holding* * * * * *.

The provision for payment of current market price is honoured more in its breach than in its observance. Generally speaking, no payment is made for *rasad* There is overwhelming evidence to prove this.

**Magan.** (Forced requisition of money on ceremonial occasions):—The tenants have to pay about one-fourth of their annual land rent on several ceremonies such as the marriages, thread and ear-piercing ceremonies of the Raja, heir-apparent and the eldest Rajkumari. Sometimes, as in the case of Dhenkanal it has also meant contributions to the Jubilee Fund of the King Emperor and the trip to Europe of the Pattayat (first brother of the Ruler). This extra taxation prevails in almost all the Orissa States and it has been a source of considerable hardship to the people called upon to bear the heavy burden.

**Suniya Bheti.** (New Year presents):—People are asked to contribute about Re. 0-0-6 in the rupee of land rent to the Sarbarakars who present the amount to the Raja on the New Year Day, and such other occasions. Originally this Nazarana was supposed to be voluntary, but now it has assumed a compulsory character. Nobody can escape it now. This forced contribution exists all over the Orissa States.

**Scourge of the Wild Beasts:**—People are forbidden to kill or wound wild beasts which damage their crops. They are heavily fined, if they did so. What harm this does to the poor peasantry is described by the witnesses before us.

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## General Character of the Administration in Orissa States.

This Committee desires to sum up the mass of evidence tendered before it regarding the general character of the administration in these States in the words of one who is held in high esteem by the British Government. Dewan Bahadur Srikrisna Mahapatra, who is the retired Superintendent of Police in the districts of Cuttack, Puri and Balasore and has held many responsible offices as a non-official after his retirement, and who personally knows some of the Rajas, Managers and Dewans of the Orissa States was good enough to appear before the Committee and gave it the benefit of his wide experience. This is how he describes the conditions now prevailing in his memorandum and oral cross-examination:—

"One of the oldest and humblest men living here who treates the peoples of the States of Orissa as a component part of the Oriya race and believes that their advancement will materially contribute to the advancement of Orissa, I have always taken an interest in the affairs of States and people and tried to acquaint myself with the state of things prevailing there as far as possible. Apart from my personal knowledge, the proximity of some States, the influx of cheap labour from States and visits of educated men to this town gave me opportunities to hear from the lips of the people themselves stories of their sufferings.

Summarised the position stands as follows:—

1st. Honour of women is not respected. Youth combined with beauty is particularly in danger. I knew a Ruler who employed a man to find out young

women unmarried or awaiting consummation of marriage. Another Ruler used to pay rewards for information about such women. The motor cars of a third used to pay surprise visits to villages at night and carry off young women. Even servants of Rulers claim the privilege.

2nd. Tenants offending the Ruler are prosecuted on bogus charges and put into prison.

3rd. Refractory characters are made to leave the State leaving their home and property at the mercy of the State.

4th. When a Ruler goes on tour the tenants are made to spend large sums of money on camp expenditure. Even when an *amla* (officer) goes on tour large sums of money are spent on him.

5th. Villagers are called upon to supply certain articles required by the Ruler, gratis. If these articles are not available locally, they must buy them from outside.

6th. When a marriage takes place in a Ruler's family, *magan* is levied at the rate of 3 or 4 annas a rupee of rent.

7th. *Bethi* is very common.

8th. Tenants are not allowed to drive carts on roads made by them on *bethi* They are reserved for the Ruler's motor cars and carts.

9th. *Bethi* is raised whenever Shikar parties are organised for Rulers, members of their families or official guests.

10th. Necessaries of life such as oil, salt and *pan* are not allowed to be sold without license.

11th. People selling *choora*, *moori*, etc., have to pay fees.

12th. Heavy fees are levied when a tenant asks for permission to adopt a son.

13th. Property left by persons who have near relatives is taken away by the State.

14th. Post-Offices are controlled and letters to the press or public men are intercepted. Great efforts are made to prevent dissemination of news."

* * * *

*Cross-examination of Dewan Bahadur Srikrishna Mahapatra, by the Committee :—*

"* * *

I have appeared before this Committee actuated by the feeling that the Chiefs of Orissa States, who are our own men, do not give us an opportunity to speak well of them. *The oppressions which are practised in these States are horrible and unimaginable.* It is because they wield enormous powers and the people are poor and ignorant, that their oppressions go on unchecked. The people cannot raise their voice, cannot hold meetings cannot write to the press and cannot communicate with public men, so stringent are their Rulers. I employ labourers from Dhenkanal. When the Committee began its sitting here, they all absented themselves from work, and when they re-appeared, they told me that the Dhenkanal Police was making a search in this town for all subjects of Dhenkanal State. All subjects of that State were warned by the State Police not to say anything against the State before the Committee. I came to know that the Chief of Khandpara deputed his Sub-Inspector of Police to Bolgarh to send back men of Khandpara who would come to give evidence. They were so frightened that they did not appear before the Committee. One respectable gentleman of Khandpara has been prosecuted on a bogus charge and ordered to appear before the Honorary Magistrate, who is Raja's brother, to appear from day to day. The name of that gentleman is Raghunath Singh Samanta who is the grandson of the

late great astronomer, Mahamahopadhyaya Chandrasekhar Samanta. The post master of that State who is a local man was sent for and threatened not to send any letters to Congress people.

* * * *

I would suggest an improved system of control by the people over the unlimited powers of the Rulers also the formation of public opinion in the States and unrestricted excercise of Civil Liberty. A large measure of improvement is necessary in the matter of agriculture and revenue. The Rulers have reserved large areas as their private land. The tenants cultivate them but the large share of the profit goes to the Rulers. The post and telegraph offices should on no account be under the control of the Rulers.

The control at present exercised by the Political Officers over the Rulers is not effective. The Princes are given a free hand and the people are afraid of bringing matter to the notice of the Political Offlcers. The power of expulsion from the State, at a short notice, which the Princes enjoy to-day must go. This applies to any one who sets his foot on the soil of the Princes.

* * * *"

The present day affairs of the Orissa States and the wretched condition of the people reminds one of the Austrian peasant who, on the eve of the French Revolution, petitioned his Emperor in these memorable words:

"Most merciful Emperor, for two days in the week I must accompany the lord when he goes out hunting, for two days I must graze his cattle, for two days I must till his land, and the seventh belongs to God. Consider, most merciful Emperor, how can I pay dues and taxes ?"

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## The Relation Between the Rulers and the People.

There was a time in the very distant past when a sort of family relation used to exist between the landlords and the tenants. It was one of *ma-bap*. To think of that and talk of that in the present age is foolish and one cannot go back to the past however much one may pine for it. The Rulers, on account of the education they receive and the behaviour that is expected of them by the Paramount Power, have lost touch with the people. The only training that the Rulers have got now is how to mix freely with Europeans and to vie with one another in winning the favour of the political officers.

The Rulers of Orissa States have very small incomes at their command. Try as they might, they cannot compare with the Maharajas who adorn the gilded seats of the Chamber of Princes. Still, they are obsessed with the idea that they are Rajas, born to rule over men. Power intoxicates the best of men. It has done the same to these Rajas. They cannot abandon their efforts to secure greater authority and more power. They are nurtured in a School which has taught them to attach more value to pomp and pageantry than to the affection and well being of the people.

They are looking towards Delhi with a strange yearning of heart. They aspire to seats in the Chamber of Princes. They desire to augment their scanty resources in order to be able to go there. Where else would they look for this, if not to the goose that lays the golden eggs? They want their peasants to supply them with enough money fo satisfy all the cravings of their heart.

The peasant fails them. His reserve is already exhausted. He cannot add to the Raja's treasury. There are no other means to fill it. Hence, the Raja comes to dislike his once-beloved people. He ceases to take any live interest in him and broods silently over the means and devices that can possibly help him in

the fulfillment of his desire and ambition. The crowd of evil-minded persons that surrounds him suggests ways and means to fill his coffer. It hits upon devices to fleece the peasantry still further. The latter is inevitably on the high road to utter ruin and destruction. The goose cannot lay golden eggs any more. It was no use increasing the already high land-rent. Reservation of more species of wood in the forest was also of no avail. Grazing fees, forest dues, monopolies in the daily necessaries of the poor peasant, forced exactions in the form of *bethi*, *begari*, *rasad*, *magan*, *suniya bheti* and the iniquitious system of fines had also very little effect on the daily emptying Treasury. *Andhari* (night) Courts, social and religious tribunals had to come to the rescue. Prostitution of Justice and corruption of the Public services were bound to follow. The tradition was uprooted. Love was turned into hatred. People began to stir and awaken. They began to chafe at restrictions and burdens. A spirit of discontent was in the air. Unrest was beginning to spread.

This called forth all the reserve powers of the Raja Saheb. He would not allow the people to organise. Praja Mandals were to be banned. Public meetings were not to be allowed. Newspapers were to be tabooed. The growing public spirit of the workers, the awakening political consciousness of the masses and the spirit of the times combined with the undoubted crying grievances of the people and their natural aspirations for self-expression and self-determination generated a spirit of defiance and resistance. The two wills were bound to come into clash. The Dhenkanal firings and outrages, the exodus of Talcher, the mob frenzy of Ranpur resulting in the murder of the Political Agent and the indiscriminate slaughter of the innocents of Gangpur, were the inevitable and direct consequences of this mighty crash. It is the age-old struggle between might and right. The right is bound to triumph in the end. But the victory is certain to take its heavy toll of sacrifice.

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**The Role of the Political Department.**

It is commonly understood that the officers of the Political department are kept in the dark regarding the ugly doings in these backwaters of reactionarism. The Committee was itself puzzled about this. It was difficult to believe that such a situation would be allowed to continue, even for a moment, if facts were known to the authorities presiding over this department. But we have come to believe that the officers of this department were and are, fully conversant with the conditions now prevailing in these States. Our investigations have confirmed us in our view. It is inconceivable that the Crown Representative and his department with their triple system of espionage could remain in the dark about the ever deepening gloom that was enveloping the States in this part of the country. At any rate, the officers who are supposed to guide, advise and direct the petty autocrats of the Garjats could ill afford to remain in ignorance of the daily developments in States under their charge. They controlled the Rulers in such a way that there was a crop of tragedies in the Orissa States, involving thousands of poor illiterate people. This is the tragedy of tragedies. A prompt explanation of this inexplicable mystery should be forthcoming in the interests of the parties concerned.

The military has had to be requisitioned. The use of the armed forces has been lent by the Paramount Power to the proteges under their charge to suppress the popular movements seeking the radical transformation of a system which was grinding under its own crushing weight the poor people of the States. We are constrained to ask why was this done? Why was the situation allowed to develop to a pitch where a clash became inevitable? Why did the Paramount Power keep mum and sit like a sphinx, while unrest was brewing and wrongs were accumulating? What were the officers of the Political department doing at the time when people were suffering acutely under a system of double despotism? Why did they not lift their little finger to avert a calamity that was looming large in the horizon? Why was this era of

unrest and ferment allowed to put undesirable spokes into the wheel of the country's chariot marching towards unity and progress?

We would like to be enlightened on these points. We would desire to see the inspection notes and the confidential reports addressed to the Chiefs by the Agents and the Residents. The exodus of 30,000 people from the places hallowed by a succession of their forefathers to a strange land where nothing but privation and want greeted them, the troop movements in Dhenkanal with consequent hardships sufferings, firings, arrests and looting in that State; the Satyagraha movement of Nilgiri, the rising of the Ranpur people resulting in the murder of Major Bazalgette; the recent tragedy of Gangpur where several persons were shot down and wounded without any impartial enquiry in its wake; these tragedies are of sufficient magnitude to demand an answer to our queries.

The usual practice in connection with despatch of troops is that a Military Intelligence Bureau is attached thereto, the duty of which, is not only to determine the intentions and movements of the opposition, whom the Rulers consider as rebels, but also to unravel the causes of the unrest. It is well-known that troops have come to Orissa on three occasions. The Committee understand from reliable sources that the Bureau had accompanied the troops only on the last occasion. The question arises—what did they inquire and what did they determine to be the causes of the popular movements? The Committee is inclined to demand and would welcome the publication of their findings, if any.

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## Chapter II.

### The Constitutional Status of the Orissa States.

Unfortunately, any proposal for a solution of the problem of these small States has to face a formidable obstacle, *viz.*, the "treaty rights" of the Rulers of these States. We, therefore, propose to examine the constitutional

status of the Orissa States, and to trace the origin and growth of the powers of the Rulers with a view to analyse the forces which make possible, in the modern world to-day the continuation of these States as independent sovereign units inspite of the fact, recognised even by the Butler Committee, that with their scanty resources they cannot provide a modern administration.

The phrase "treaty-rights" has become familiar to the public in the last decade. The Ruling Princes have carried on an agitation in Britain and India "to protect their treaty-rights." The Government have not considered it fit to discourage this agitation. On the contrary, full publicity has been given to it by the semi-official press in both countries. The Princes have tried to manœuvre for a position which would make them secure against popular Government as well as undue interference by the Paramount Power. The Butler Committee was appointed on the demand of the Princes to inquire into and report on the status and treaty-rights of the Princes. The Committee held its sittings *in camera*. A deputation from the people of the States was refused a hearing on the ground that "the relations between the Indian States and their Subjects" were not within its terms of reference. But the deputation was allowed to submit a memorandum to the Committee. The report of the Butler Committee was described in this country as an attempt to deliver the Princes from the paramountcy of the people only to hand them over to Paramountcy of Imperialism. But we do not consider it necessary to enter into a detailed discussion of the report of the Butler Committee. In fact, it is not necessary for us to go into the wider question of the status of all the Rulers of India. We shall limit ourselves to a consideration of the problem of the Orissa States.

The present position is this. These States are not British Territory. The status of the Rulers is governed by the new Sanads which were granted to them in 1937. In that year the States in Orissa were divided into three categories, A, B and C. To class A, belong Bamra, Baudh, Dhenkanal, Gangpur, Keonjhar, Nayagarh, Sareikala and Sonepur. These States exercise full civil and criminal jurisdiction except that persons sentenced to

death by their courts are entitled to submit a petition for mercy to the Agent to the Governor-General, Eastern States. Previously, there was an obligation to refer sentences of death for confirmation to the Agent. This was withdrawn by the Sanad of 1937 which, however, stipulated that it "may be reimposed at any time should it be desirable in the opinion of His Excellency the Viceroy to do so." To class B, belong Athgarh, Athmalik, Baramba, Bonai, Daspalla, Hindol, Khandpara, Kharswan, Nilgiri, Narsingpur and Talcher. These States must submit sentences of death and life sentences for confirmation to the Agent to the Governor-General, Eastern States. In all other respects their Sanad is identical with class A Sanads. In class C are included Ranpur, Pallahara and Tigiria. These three States are required to submit all death and life sentences, and sentences of imprisonment for a period exceeding seven years for confirmation to the Agent, their powers being otherwise equal to those of class A and class B States.

It will be noticed that the Sanads of 1937 were given with the object of raising the status of the Rulers. The preamble in the Sanads explains that the grant of the new Sanad is due to a realisation by the British Government that "the time has come when the existing restrictions on the judicial and administrative powers of the States may be modified." It is also to be noted that the three States of Ranpur, Pallahara and Tigiria have the following area, population and revenue:—

| | | *Area* | *Population* | *Revenue* |
|---|---|---|---|---|
| Ranpur | ... | 203 | 47,713 | 71,000 |
| Pallahara | ... | 452 | 27,975 | 79,000 |
| Tigiria | ... | 46 | 24,680 | 45,000 |

Thus the three States are smaller in size and resources than an average Tehsil in a district in the provinces. But this fact did not deter the British Government from deciding, for reasons of Imperial Policy, that they should be treated as sovereign States enjoying "full Civil and Criminal jurisdictions."

But the present status of Orissa States is of recent origin. A recent report of the Political Department contains the following statement :—

"In 1888 it was decided by the Secretary of State for India in Council, in accordance with a ruling of the High Court in the case of Mayurbhunj that these States did not form part of British India, and in consequence of this decision, new Sanads were given on the 27th October, 1894, to all the Chiefs defining their Status, Powers and Position."

This statement does not correctly state all the circumstances which led to the decision of the Secretary of State in 1888. The chain of events was as follows:—In July 1881, in a criminal case, a Bench of the High Court of Judicature at Fort William in Bengal decided that Mayurbhunj was part of British India. Cunningham and Prinsep, JJ., gave an able exposition of the arguments in favour of their decision. (Copies of their judgments are attached at the end of this report as appendices).

This ruling of the High Court greatly disturbed the Raja of Mayurbhunj, who treated it as "a matter of vital importance to my Raj," and wrote to the Bengal Government urging them not to recognise the decision of the High Court.

But the Superintendent, Tributary Mahals, Cuttack, took a different view of the matter and submitted the following opinion on the future on the Mahals:—

"It may therefore be a question whether, when the system of administration is being regulated by law, it would not be well to take away judicial and executive authority altogether from the Chiefs, and to place these in the hands of special officers appointed by the Government. If this should be considered advisable, the States north of the Brahminee, *viz.*, Mayurbhunj, Nilgiri, Keonjhar and Pallahera, might be formed into a Deputy Commissionership, with its head-quarters at Keonjhar or Baripada; and the States south of the Brahminee might be formed into another with its head-quarters at Angul. A subsidiary staff of subordinate officers could be located at convenient points throughout their jurisdictions, with civil, revenue and criminal powers. The Southern Deputy

Commissioner would take over the scheduled district of Angul and the ceded portion of Boud, known as the Khondmals, which is now administered by a Tahasildar under my direct control. Both Deputy Commissioners should be subordinate to this office, but the title of Superintendent might be dropped and the districts become, like the Santhal Pergunnahs and the Chittagong Hill Tracts, non-regulation and scheduled districts under the Commissioner. There is nothing in our arrangements with the Chiefs to bar any arrangement of this sort. Our agreements with them are exactly the same as were made with other Zamindars, whose Estates were at once brought under the regulations. The Tributary States were not so brought, simply because it was not convenient to bring them. They were remote and inaccessible. At that time even the regulation districts were full of jungle and wild beasts, and the less civilized States in the hills were even more inaccessible. We could not conveniently provide for the administration, and we left the Chiefs to administer. The removal of executive and judicial powers from the Chiefs, though it has been left with them solely as a measure of convenience, would be very unpalatable to them; and though, as I have said, there is a growing disinclination on the part of their people to be satisfied with the rule of the Chiefs, I am not prepared to say that even they would desire a transfer to British Courts, though the justice administered would be of an infinitely higher order. *If the Executive and Judicial Administration be taken from the Chiefs, they would fall into the Status of Zamindars of permanently settled Estates, and they would be in all matters subject to the Jurisdiction of the Courts. The Executive and Judicial Administration would be placed on a basis more commensurate than now with the obligations of the Government towards the people.* (Italic are ours). That circumstance will compel us to take the administration into our direct charge, I have very little doubt, but I am not inclined to advocate the measure at present."

**In 1879, three years before the decision of the High Court, the Superintendent, Tributary Mahals, submitted to the Bengal Government, his opinion on the**

question of the Status of the Orissa States, in these words :—

"*The States still under the control of the Rajas are, I presume, to be regulated as part of British India. It is only a matter of convenience that they have not been brought under the ordinary system of administration.*" (Italics are ours).

After the decision of the High Court, when the Raja of Mayurbhunj made his representation to Government against this decision, the Superintendent, Tributary Mahals, Orissa, again submitted to the Bengal Government his "decided opinion that the Tributary States of Orissa are parts of British India." We reproduce the portion of his note which deals with this question :—

"*I have very carefully considered and studied this question, and I have come to the decided opinion that the Tributary States of Orissa are part of British India, as defined in Clause 8, Section 2, Act 1 of 1868;* (Italics are ours), and I think future legislation should distinctly recognize this, by expressly excluding the States, as they were excluded by the laws of 1805, from the operation of laws applicable to the directly administered portions of British India, unless it be decided to include them as scheduled districts. I have very carefully expressed my views on the subject in this office letters to Government, noted in the margin, and it seems to me to be hardly necessary to reiterate the arguments here; but as in connection with this subject the Maharajah of Mayurbhunj has sent to me a copy of Mr. Standing Counsel Phillips' opinion on the subject, I wish to make here a few observations thereupon.

"The Maharajah, arguing with the opinion of Mr. Phillips, holds that Mayurbhunj (one of the Tributary States of Orissa) is not a part of British India; and his reasons for the same are summed up in paragraph 21 of his letter. It is admitted that the Cuttack Tributary Mahals were ceded to the East India Company in 1803,

but it is argued that, by an unbroken practice from that time to this, in nearly all essentials, the sovereign powers over those Mahals have been exercised by the Chiefs and not by the British Government. It is quite true that since the session up to the present time the Government has never assumed the direct management of those Estates, and has allowed the Chiefs to exercise certain administrative powers within their respective Estates but it is to be understood that this was done not because the Tributary Chiefs had any right to the excercise of independent authority, but because it was considered expedient in consequence of the uncivilized character of the inhabitants, and the inaccessible nature of the country. Government might, at any time, have placed the Mahals under the jurisdiction of the ordinary Civil and Criminal Courts (vide Government of India's order, quoted at page 97 of Government Selection No. III). The Tributary Chiefs have long been deprived of the essential privileges of sovereignty. They do not exercise the power of life and death, or the right of making war and peace, and they cannot therefore be regarded as soverigns in any sense of the term. This explanation meets the arguments put forward in clauses 1 to 4, paragraph 21 of the Maharajah's letter.

"In clause 5 of the letter it is admitted that Act XXI of 1845 (now repealed) interfered with the internal administration of the Tributary Mahals; but it is argued that the subject of that Act was such that the authority which the Government exercised in respect of the Tributary States might be exercised in the most important Native States without derogating from the ordinary powers of soverignty of the Chiefs of those States. This is true; but in the case of foreign States, Government would have interfered politically, and not by legislative enactment. It is further argued that the other Regulations and Acts, cited in the judgment of the High Court do not interfere with the internal administration of the Tributary Mahals, and Regulation X of 1816 recognized the position of the Chiefs as Feudatories of the British Government; and the Regulation of 1874 (meaning probably the Scheduled Districts

Act and the Laws Local Extent Act), which declared two of the annexed Tributary Mahals to be parts of British India, by including them in the scheduled districts, testified that the rest were not British India, by inculding them in the sceduled districts, testified that the rest were not Britsh territory, by excluding them from the schedule. These arguments appear to me to be fallacious. It is clear, from the preamble to Act XIV of 1874, that the scheduled districts do not include all the parts of British India that have not been brought under, or have been removed from, the operation of the general laws, or even all the portions so circumstanced in which doubt has arisen as to what laws are in force, but only that they are among the parts. This language clearly implies that in British India there are other places not under the operation of the general laws. The effect of Section 3, Act XV of 1874, is however, in my opinion, to introduce the laws in Schedule II of the Act into the States, and I think they should be expressly excluded, as I have already recommended in my No. 477 of the 6th April last. From the fact of the legislature having declared in Regulations XII and XIII of 1805 that the Bengal Regulations were not for the present to be considered as in force in the Tributary Mahals, the only inference that can be drawn is that the Government might, if it chose at any time, put the regulations in force, and this it can only do if those States are parts of British India. There is nothing in Regulation XI of 1816 to show that it recognized the position of the Rajas as Feudatory Chiefs. Zamindaries which constitute private property without any incident of sovereignty are in India ordinarily subject to division amongst the heirs of the deceased proprietors; but there are exceptions to this rule, and these exceptions are recognized by the Hindu law. In the regulation districts, there are zamindaries belonging to certain old families, such as those of Aul, Kanika, Sukinda, Madhupur, etc., in Cuttack, which are not divided under the ordinary rules amongst all the children of the deceased, but descend to a single heir. Regulation X of 1800 made provision for cases of this kind in Madhupur, and Section 36, Regulation

XII of 1805, provided for them in Cuttack. The Tributary States of Orissa are exactly similar to them, and with respect to them a special enactment was necessitated, because they had been, and still are, temporarily excluded from the operation of the general laws. The preamble to the regulation declared it necessary that provision should be made for deciding claims to inheritance, because the Estates had been excluded from the operation of the general rules for the administration of civil justice.

"I am not now in a position to say under what circumstances the Tributary Mahals were included originally in the Scheduled Districts and Laws Local Extent Bills of 1870, and why they were excluded when in 1874 those Bills were passed into law. But it seems to me probable that, as under the older regulations they had already been excluded from the operation of the general laws, it was considered unnecessary to extend to them the operation of Acts which were passed with the purpose of declaring what laws were in force, where there was doubt. Angul and Banki were no doubt included, because their position of Tributary States had been altered. They had become Government Estates, and were being managed more or less in accord with our general system by officers appointed by us, and it was necessary to make clear rules for their guidance. In the case of the other Estates, the omission, as I interpret it, simply meant that Government thought fit then, as before, to leave the administration of the States in the hands of the Rajas. I have already remarked that I think provision should be made to remedy the effect of Section 2, Act XV of 1874, in respect of the Mahals. The remedy should include all laws otherwise made applicable to British India, which it is not desired to retain in force.

"It is further argued that the executive acts of the Government have recognized the position of the Cuttack Tributary Mahals as feudatory principalities, and in support of the argument it is stated :—

5

1ST :—That, with some limitation (as regards the exercise of the power of life and death), the Chiefs have in their hands the chief attributes of sovereignty, *viz.*, the administration of Police, and Civil Criminal Justice (vide paragraphs 12 and 17 of the Maharaja's letter to Government).

2ND :—The Chiefs are not sued in the Civil Courts of British India (paragraph 15, clause 3, and paragraph 21, clause 6).

3RD :—That Lord Canning issued to the Chiefs of the Cuttack Tributary Mahals, as to other feudatories in non-British territory, Sanads conferring on them the right of adoption.

"It is a fact that Government has not assumed the direct administration of the Police, and Civil and Criminal Justice in the Tributary States; but there are various ways of administering justice. Formerly, in Bengal and Orissa, ordinary Zamindars had charge of Police and administered justice in Civil and petty Criminal cases; and in consideration of the wild character of the people of the Tributary States, Government has required the Zamindars of the Tributary States to continue to do this. It is also a fact that the Tributary Chiefs are not amenable to the jurisdiction of the ordinary Civil Courts, and Government disallowed the proposals submitted by Mr. Superintendent Ricketts to make them amenable to the Civil jurisdiction of the Superintendent; but it did so, not because it considered the Chiefs not to be British subjects, but because the rules were considered in their general scope to be of too extensive a nature and to involve more interference than was desirable, and as leading to weaken injuriously the influence of the Rajas, which Government considered it expedient to maintain. The Chiefs, though not subject to the jurisdiction of the Civil Courts, are triable by the Superintendent for murder, homicide, mutilation, or any heinous crime,—see paragraph 15 of the rules of 1840.

"There is no correspondence in this office to show to whom, and under what circumstances Sanads regarding the right of adoption were granted by Lord Canning in 1862. It is understood, however, (see volume I, Kaye's Sepoy Mutiny, and other works) that the denial of the right of adoption and the escheat of Native States, on failure of natural heirs, was considered to have been one of the causes which conduced to the Mutiny. I presume that the Sanads were granted to allay the uneasy feeling that prevailed on the subject. The text of the Sanad is given at page 121, volume I of Aitchison's Treaties. The document appears to have been generally distributed. It commences with a statement that Her Majesty was desirous that the Goverments of the several Princes and Chiefs, who then governed their own territories, should be perpetuated, and that the representation and dignity of their houses should be continued. It then stated that, in fulfilment of this desire, the Sanad was given to convey the assurance that, on failure of natural heirs, the British Government would permit and confirm adoptions. It ends with an assurance that nothing will disturb the engagement, so long as the house is loyal to the Government and faithful to its obligations. At the time this Sanad was granted, the Tributary Rajas were not Princes or Chiefs governing their own territories, but subjects of the British Government, administering their Estates under the control of the Superintendent on behalf of the British Government. Whether the Government of 1862, in granting them Sanads in the form granted to Chiefs governing their own territories, deliberately intended to give them that status, instead of that which they formerly held, I cannot say. *The Sanad conveys the right of adoption only: And having regard to the circumstances in which it was given, I consider it unlikely that anything further was intended to be conferred. Had it been deliberately intended to confer on the Chief, as their own territories they had heretofore administered as territory belonging to the Government, the Sanad would surely have declared, in express and certain language, a concession so important. Practically there has been no change in the relations of the Chiefs to the Government.*

*They have been treated not as allies, but as subjects.* (Italics are ours). If our laws have not been practically introduced into the States, we require their spirit to be observed in the administration, and the trial of heinous crimes is held by the Superintendent and his Assistants under our own law. It was only as lately as August 1881, that I went to one of the States and made a careful investigation into a death resulting from poison, in which a suspicion of murder attached to one of the Chiefs.

"Some reference has been made in Mr. Phillips' note to the position of the States before the accession of the British. Some account of this will be found in Sterling's Orissa. The arrangements made by Raja Mansingh, who completed the work begun by Dewan Todur Mull, will be found at page 67. It will be seen that territory now subject to the regulations and territory now administered by the Zamindars were all practically treated alike. If we take the Zamindars under the Raja of Khurda, the first, Banki, was exempted from the Regulations; the next, Dompara, was made subject to them. The other Estates were similarly dealt with. There is no reason to suppose that the position of the States to the ruling power varied materially, though no doubt the control over the distant ones was lax as compared with that over the near ones. When we acceded to the sovereignty, we took direct charge of what we found it convenient to manage, and we left the more distant parts temporarily to be managed, as formerly, by the Zemindars.

"*For the above reasons and for those set forth in my letters to Government quoted above, I am very decidedly of opinion that the Tributary Mahals of Orissa are part of British India, and I think therefore that Government has the power to make rules to regulate the capture of wild elephants in those Estates.*" (Italics are ours).

In March 1882, the Government of Bengal directed the Superintendent, Tributary Mahals, Cuttack, to submit a report showing exactly in the event of an Act

defining the position of the Tributary Mahals being passed, what States the Act should apply to, and how they should be defined. The Superintendent, Tributary Mahals, accordingly submitted his report in which he re-affirmed his "opinion that the Tributary Mahals of Orissa are parts of British India, and *in all future enactments of Government, they should with a view to remove all doubts be clearly dealt with as such.*"

The Superintendent also recommended that if "an Act to define the position of the Tributary Mahals" was passed it should have the following preamble :—

"*Whereas certain Jungle or Hill Zamindaries in the Province of Cuttack, enumerated in Section 36, Regulation XII of the Bengal Code, and the Territory of Mayurbhunj in the same Province, were temporarily exempted from the Regulations relating to the Settlement and Collection of Public Revenue,* (Italics are ours) and by Regulation XIII of 1815 of the Bengal Code from the laws and regulations for the maintenance of the Police and the administration of justice in Criminal cases, and whereas of the said zamindaries Ungool (Angul) has been constituted a scheduled district under Act XIV of 1874, and Banki has been annexed to the district of Cuttack by Act XXV of 1881; and whereas it is now expedient to make further provision for the executive and judicial administration of the remainder of the said Estates and for the Estates of Boad, Atmullick and Daspallah, now under the jurisdiction of the Superintendent of the Cuttack Tributary Estates, it is enacted as follows * * *" (A copy of the Superintendent's report is annexed to this report in the appendices).

In the meantime, in another case, a Full Bench of the same High Court decided, Mitter and Prinsep JJ dissenting, that Mayurbhunj did not form part of British India. (The minority judgments of Mitter and Prinsep JJ are annexed to this report as an appendix).

Ultimately the Government of Bengal decided to submit the matters of the States of the Tributary

Mahals of Orissa to the Government of India for consideration, and decision. The Bengal Government also expressed their own views on the matter in clear terms. We reproduce below the concluding paragraph of their letter:—

"In submitting, for the consideration of the Government of India with, he fears, some lengthy details and the circumstances connected with this question, the *Lieutenant-Governor has no hesitation in saying that his own opinion inclines very strongly to the contention that these Tributary States of Orissa are included in British India*, (Italics are ours) and though for the present as far as judical decision goes, the ruling of the Full Bench of the High Court on the 11th March, 1882, may support the opposite view, it is clear that when two Divisional Benches of the High Court have held differently, the question if at any time brought before a Full Bench of the whole Court might result in the affirmation of the conclusion that the States in question are included in British India. *It is deserving of attention whether such a result should not be anticipated by an authoritative declaration affirming the fact of the inclusion of the States in British Territory. The Lieutenant-Governor thinks it would be wise and right to do so*, (Italics are ours), to remove all doubts, to preclude the jurisdiction of our established Tribunals, and of the High Court from a part of the country which is still very backward and uncivilised, to give legal validity to the criminal powers now exercised by the Superintendent of the Mahals and the Chiefs, and to disabuse the minds of the Rajas from the assertion of claims which in the absence of a clear declaration of the position of Government, may lead to complication and difficulties."

Thus the Government of Bengal not only held the view that Orissa States formed part of British India, but also they wanted the Government of India to issue a clear and emphatic declaration to this effect.

There in no doubt that such a declaration would have been in conformity with the then existing facts.

For instance in 1851 the Bengal Government appointed the Magistrate of Midnapore as ex-officio Assistant to the Superintendent of the Tributary Mahals. In 1870, the powers and functions of this officer were definited as follows :—

> " As an ex-officio Assistant Superintendent of the Tributary Mahals, you are hereby empowered to take up for trial all offences committed within the Tributary Mahals, not punishable with death, and to deliver judgment and pass sentences of simple or rigorous imprisonment for a term not exceeding seven years. Your proceedings will in each case be subject to the approval and sanction of the Superintendent of the Tributary Mahals to whom they should be forwarded.
>
> " The bails in the cases in question should be conducted as far as possible in accordance with the provisions of the Criminal Procedure Code."

In other words, the administration of justice in the Orissa States was in the hands not of the Rulers but of the Provincial Government. This was not an emergency measure but on the contrary reflected the status of the Orissa States which did not possess the essential attribute of internal sovereignty, *viz.*, the power to establish Courts of justice in their territories.

Sir Henry Maine, the eminent Jurist, and Sir A. Hobhouse were also of the opinion that these Tributary Mahals were parts of British India.

Sir Henry Maine's opinion was as follows :—

" This case illustrates in a curious way the difficulty of applying modern ideas and principles in India.

" There is no doubt, on the one hand, that the engagements entered into with the Chiefs of the Tributary Mahals together with some of the subsequent proceedings of the British Government, are inconsistent with any view of the position of those Chiefs, except one, which makes them FEUDATORIES of this Government (if the language of the middle-ages is to be

employed), or, if we are to use the phraseology of modern International Law as Rulers, to whom a small portion or fragment of SOVEREIGNTY is reserved, sufficient to enable them to exercise some of the functions of Government.

"On the other hand, *there is not a little which bears out the view of the Lieutenant-Governor that these Estates are mere Zamindaries* (Italic are ours). Nothing is more inconsistent with their standing in a purely political relation to the Government than their having been made the subject of legislation, yet they have been legislated for in 1816, and though in the Regulation of 1805, passed soon after the Tributary Mahals accrued to British Government, they are excepted from the operation, the language of the regulation leaves in my mind the impression that its framers entertained no doubt of their power to legislate for the Mahals and merely abstained from doing so on grounds of expediency. This indeed, seems to have been Mr. Mills's opinion, if it is to be collected from his expressions on the subject of the exemption of the Tributary Mahals from the jurisdiction of the Courts. It is curious, too, that when so late as 1839 a correspondence took place as to some new rules to be laid down for the internal control of these Estates, it took place in the Legislative Department.

"Few things, again, according to modern ideas, are more inconsistent with political relation than the subordination to the Sadar Court, effected by the Regulation of 1816.

"The truth is, the Acts of our predecessors in entering into these engagements with the Chiefs of the Tributary Mahals, in legislating for their territories, and in placing them under the Sadar Court, were not consistent with one another, and unfortunately it is only by the interpretation of those Acts that the abstract question can be settled. The explanation no doubt lies in the indistinctness of 40 or 50 years ago, of lines of demarcation, which are now being more and more recognized in India. To the framers of the

Regulations of 1805 and 1816, who themselves possessed both executive and legislative power, it probably never occurred to make nice distinctions between the modes of exercising those powers. Nor, again, at a date not far removed from the time when the Governor-General and his Council were a Court-of-justice were the limits of executive and judicial authority likely to be very plainly marked. The Sadar Court, as has been brought out strongly by recent discussions, was to the last an administrative as well as a judicial body, and the anomaly, such as it is, attaches to the High Court."

Sir A. Hobhouse gave his opinion as follows:—

"I have not before me the engagements concluded with the Chiefs upon our conquest in the year 1803, nor the Treaties of Deogaum of Poona. I gather that the treaties were only confirmations by the Bhonsla, Mahratta, and the Peshwa of the sovereignty of the British Government and of the engagements made with the Chiefs. But these documents must be examined, if necessary. The opinion I have formed is founded on the acts of our Government commencing a year after the acquisition of the territory, and continuing down to the present time.

"In the year 1805 several regulations were passed for the zilla of Cuttack, Regulation XII of that year declares that all the regulations relating to the settlement of revenue are in force in the zilla. It then provides that nothing therein contained shall be construed to imply that the regulations are, for the present, to be considered in force in certain jungle or hill zamindaries, occupied by a rude and uncivilized race of people, with the proprietors of which Estates engagements were formed for the payment of certain fixed quit-rent or tribute to Government. Then follows a list of 15 of these hill zamindaries, and it is declared that the same rule shall be applicable for the present to Mayurbhunj; but that it shall be the duty of the Collector of the zilla to conclude a settlement with the proprietor of that Estate on the same principles as with the others.

The two following regulations are for establishing Police and Civil Courts; and they are made subject to the same exceptions as are found in the revenue regulation. It is impossible to doubt that the framers of these regulations considered that they were legislating for the whole of Cuttack, that if they did not specially except the hill zamindaries, the general regulation would apply to them, but that it was expedient for a time to place them on a different footing.

"In the year 1816 was passed the regulation under which the recent dispute arose. It recites that it has been found necessary to decide claims of inheritance, etc., and it gives jurisdiction for that purpose to the Superintendent of Tributary Mahals, with an appeal to the Privy Council. Here again there was no treaty with the Chiefs; there was no Act of State in the nature of an assumption of further sovereign rights. The Government found a case requiring legislation, and dealt with it in precisely the same way as with every other case of the kind arising in their own territories.

"In the year 1850 precisely the same thing was done. Inconvenience had been found from want of some authority to decide boundary questions, and to remedy it, Act XX of 1850 was passed. That Act recites that the Mahals in question were TEMPORARILY EXEMPTED from the Regulations of 1805, and it gives jurisdiction to the Superintendent and the Bengal Government to decide all questions of disputed boundary between Estates in the Regulation and those in the non-Regulation districts. The Government assumed precisely the same power of making laws for both classes of districts.

"In examining the case of Kuch Bihar, what we found was that a single regulation had been passed including it in the territory of Bengal; that this regulation had never been enforced; that it did not so much as appear whether the Raja or inhabitants of Kuch Bihar had ever heard of it; that there had been a very long course of practice, open, undisguised, often the

subject of discussion between the Rajas and ourselves, and entirely inconsistent with the validity of the regulation. Under those circumstances, we thought that the regulation could not be set up against the recognized practice. But the principles we laid down on that subject in our letter of June last, when applied to the case of the Tributary Mahals, lead my mind to the opposite conclusion though in that letter we stated erroneously (I now think) that the same consideration seemed to apply to the Mahals and to Kuch Bihar.

"Suppose the question were now to be raised in a Court-of-law, whether or no these Mahals formed part of British India, what would the Privy Council find to be the evidence on the point? They would find that ever since 1805 the British Government had treated the district as liable to its legislation, had made laws for it, and had abstained from making laws at its discretion; that those laws were no dead letter, but were in active operation; that they had lately been the basis of an appeal to the Privy Council itself, and had been enforced with the whole power of the executive.

"In the above reasons, I concur with the late and present Lieutenant-Governor of Bengal in thinking that the Tributary Mahals must be taken as parts of British India. I find that Sir Henry Maine was also of this opinion, though he expressed it with some reserve."

The position in 1882 with regard to the status of the Orissa States (better known in those days as Tributary Mahals) can be summed up in this way. A Bench of the High Court had decided that they were part of British territory. A subsequent Full Bench had taken the opposite view, two Judges dissenting from it. The Superintendent of the Tributary Mahals had long held the view that the Orissa States were British territory, that their Rulers were mere Zamindars, who had been allowed certain powers only as a matter of convenience. Eminent Jurists like Sir Henry Maine

endorsed this view. The Government of Bengal not only supported this view, but they requested the Government of India to make a declaration to the effect to leave no room for doubt. They also held that the welfare of the people demanded that these territories should not be handed over to the Rulers but administered directly by the Government—a view shared by many of their officers who had first-hand knowledge of the conditions in Orissa and of the character of the Rulers.

However, the Secretary of State for India accepted the opposite view that the Tributary Mahals of Orissa do not form part of British India. This decision may appear surprising in view of what has been written above. But the decision was taken on grounds of Imperial policy. This was clearly understood by the officials in India. Sir Stuart Barley recognised that "The decision of the Government of India and the Secretary of State for India was based on considerations of Imperial policy, and although he felt it involved many difficulties and some inconvenience from the point of view of Provincial administration, he felt it to be his duty to give effect to it loyally to the best of his ability." Sir Charles Edge, Chief Secretary to the Government of Bengal, gave the following opinion on the proposed change:—

"The whole question of the administration of these Mahals seem to be unsatisfactory, and I am sometimes inclined to regret that they have not yet been declared to be British India. There would be great disadvantages about this, not the least of which would be the cost of administering them, but then a consistent system of administration could be adopted. At present the whole thing is based on a fictitious assumption, as Mr. MacDonnell points out, and the result is that we flounder about in all illogical quagmire. There is not, however, any use in trying to reopen this question. . . . ."

Even after the Secretary of State had accepted the view that the Mahals were not British territory, the Government were worried by the problem of

giving effect to the new policy. They were very reluctant to concede full powers to these Rulers. For instance, the Government of India proposed that the Sanads which were to be granted to the Rulers as a result of the decision of the Secretary of State should contain the following preamble.

"The British Government has decided that your territory is not British territory, but that you hold it with partial sovereign rights as a Chief tributary and subordinate to the British Government. For the future, therefore, the control to which, in accordance with past treaty, law and established usage, you have been subjected, will, so long as you continue loyal and properly administer your territory, be limited by the terms contained in this Sanad."

Commenting on this preamble the Government of India wrote:— "The words 'so long as you continue loyal and properly administer your territory' will serve as a useful reminder that if the Raja fails in loyalty and proper administration, the Government can and will interfere."

It is interesting to contrast this attitude with the present attitude revealed in the attitude adopted by the British Government 50 years later in its confidential instructions to the Political Officers issued in 1915:—

"The Political Agent should endeavour to convince Chiefs who are in charge of the management of their States, that he is anxious to interfere as little as possible and to treat them as friends. He should never allow it to be thought that he welcomes, far less encourages, petitions against their authority or orders."

It is evident that Imperial policy has travelled far since 1883 and the journey has been further and further away from the goal of the welfare of the people.

Further, the Government of India proposed that the terms of the *sanad* which should be granted to each Chief should be as follows:—

1. The British Government has decided that your territory is not British territory, but that you hold it with partially sovereign rights as a Chief tributary and subordinate to the British Government. For the future, therefore, the control to which, in accordance with past treaty, law and established usage, you have been subjected will, so long as you continue loyal and properly administer your territory, be limited by the terms contained in this Sanad.

2. The State of × × × is impartible and inalienable. All claims to right of inheritance or succession to the State shall be heard and decided by the Poltical Officer generally or specially appointed for that purpose by the Local Government of your province, but his decision shall be subject to confirmation by the said Government.

3. All disputes as to boundaries or any other matter between you and the Chief of another Indian State shall also be decided by an officer so appointed. All questions between you and the British Government as to boundaries shall be decided by such officer, associated with two assessors—one appointed by you, and one by the Local Government of your province, or, if you desire it, by such officer alone.

4. You shall govern and administer justice in accordance with the principles of British rule. Mutilation, torture and trial by ordeal are prohibited. No woman shall be whipped. No decree or sentence shall be passed against any person except on recorded evidence and judgment. No person shall be banished from your State except with the sanction of the Local Government.

5. You may sentence an offender within your jurisdiction to any form of punishment which a Magistrate in British India may ordinarily inflict. You may sentence such an offender to a term of imprisonment not exceeding five years, to fine not exceeding Rs. 1,000, and to whipping not exceeding thirty stripes. The Local Government of your province may extend your jurisdiction and arrange

for hearing appeals. In order that a sentence beyond your authority may be inflicted, you may commit an offender for trial to the officer appointed for that purpose by such Government. In no case may you try an offender for homicide or inflict death. You may delegate your judicial powers to Courts which you may constitute. This article does not apply to British subjects.

6. With respect to British subjects you shall exercise all the powers of a Magistrate under the Criminal Procedure Code so far made applicable to your State. You may delegate all or any of those powers. The British Government may appoint Courts having other jurisdiction over such subjects.

7. A police of your State may enter British territory in actual pursuit of an offender who, under the Criminal Procedure Code as applicable to British subjects within your State, is therein liable to arrest without warrant and may arrest and search him. But the officer must at once take him on arrest with any property found to the nearest British Magistrate. If not actually in pursuit, the officer must obtain an order from a British Magistrate for such arrest or search in the first instance. In either case, the British Magistrate will pass orders under the extradition law. A British Police Officer shall similarly proceed in your territory. Also the Political Agent for your State may require you to surrender any offender, and you may apply to him or to the Local Government, or the Governor-General in Council, to surrender any offender under extradition law.

8. Article VII may be suspended by the Local Government in your State for such time as they may consider your police inefficient. You shall in that case surrender any offender whom the Political Agent may demand, but you will obtain surrender of an offender only under the extradition law.

9. You shall have entire control over the administration of Civil justice within your State, except that when in a suit the boundary of your State is at issue, an

appeal shall lie to the Political Agent on that issue. Summonses against defendants and witnesses, and decrees of your Civil Courts under counter-signature of the Political Agent, shall be executed by British Courts, and those of British Courts under such counter-signature shall be executed by your Courts as if made by the Courts to which sent for issue or execution. In suits in British territory you shall have the Status of a Foreign Prince under the Civil Procedure Code.

10 Commissions for the examination of witnesses issued by your Courts, Civil and Criminal, and addressed to British Courts, shall be executed by such British Courts, and Commissions issued by British Courts addressed to your Courts shall be executed by your such Courts, whether the witnesses have or have not declined to attend voluntarily.

11. The reservation of forests in the Gurjats is essential to secure the Province of Orissa from drought and from floods. Therefore, if your State is denuded of forest, the British Government will consider that your administration calls for interference.

12. You may without restriction capture and destroy wild elephants within your State.

13. No tax shall be raised by means of a monopoly, except with the permission of the Local Government. There shall be no due levied on transit or by way of pilotage. The re-marriage of widows shall not be restrained by tax, license or otherwise.

14. When any roadway, waterway, or railway to pass partly through your State is approved by the British Government, then if another Native State through which it is to pass desires the way, the Local Government, or, if there is no such Native State, the Governor-General in Council may appoint a Committee to decide what you are to give and receive in respect of it. But in either case you may appoint one member to such Committee.

15. Every settlement and agreement before made between you and the British Government not being contrary to these terms is confirmed, and the terms of this Sanad shall not be taken as precluding any settlement or agreement between the same parties, or as affecting the supreme authority of the British Government.

If we compare this proposed Sanad with those which were granted to the Chiefs in 1937, we realise to what extent the British Government have carried out their policy of raising the Status of the Princes at the expense of the people. It should be noted that the proposed Sanad contained severe restrictions on the powers of the Rulers, particularly the power to impose taxes on the people. The Foreign Department of the Government of India gave the following explanation for the proposed restrictions :—

"The taxes and cesses are numerous. I am not able to give a complete list. The most prevalent are the following :—

(i) Grazing fee levied on pack-bullocks of traders. This has taken the place of transit duties, which have been abolished.

(ii) Market tolls levied on stalls in a market.

(iii) License fees on different trades and professions, priests, pans (lowest caste), oil-pressers, confectioners and gur-makers.

(iv) Marriage fees are levied generally of small amount, but varying according to the means of the person taxed on marriage of certain trading and cultivating castes. Hindu widows are also taxed on re-marriage and are not allowed to marry without the permission of the Raja. In the lower castes of those who call themselves Hindus, widow re-marriage is frequent.

(v) A succession tax is levied in Nayagarh.

(vi) *Rasad* cesses are collected by the Rajas for the *rasad* of British officials and troops passing through their States. They are unwilling to give up this cess, it is supposed, because they collect more than is wanted by the troops and retain the surplus.

(vii) Of presents required on various occasions, there are many, *e.g.*, when the Chief is on tour, on a visit by a subject to his Chief, on recognition by the Chief of an adoption, on application for grant of an adoption, on application for grant of land. The Chiefs who are oppressive attempt to raise extra cesses for any occasion, as a visit to Bhubaneswar temple. About these there is much discontent. But it is difficult to see that any clear rule can be laid down binding the discretion of the Rajas.

(viii) Another species of tax is gratis labour requisitioned by the Rajas. This is sometimes necessary and it is not possible to lay down any definite rule."

One fact emerges clearly from the above. It is this. At the time when they decided to raise the status of these States, the British Government were fully aware of the feudal character of the States, of the existence of taxes unknown to any civilised administration, of the fact that "Chiefs who are oppressive attempt to raise extra cesses for any occasion," and of the fact that about these there was "much discontent," and that these conditions would prevent effectively the people of these States from getting rid of the barbaric feudal conditions in which they were living. They were also fully aware that their officials in Orissa were opposed to this decision which, in their opinion, would not be in the best interests of the people. But the British Government deliberately adopted the policy of increasing the powers of the Rulers over their subjects. The people of Orissa States are now the victims of that policy and its disastrous consequences. While the world outside has moved with the times, the part of Orissa which

is covered by these States is still in the age of primitive feudalism, the more oppressive because it is decaying and cannot make two ends meet. The people of these States owe much of their present plight and the people of Orissa their division into two artificial units to the change of policy in 1888, which mortgaged the destiny of the people of Orissa to the Imperial interests of Britain. If we continue the metaphor, the time is ripe for the people to exercise the right of equity of redemption.

The Committee are of the opinion that the British Government are in no small measure responsible for extortions of the Rulers. British policy at present is to raise the status of the Rulers. There are various ways of doing this, *e.g.*, to grant a salute of guns, to grant a new Sanad with increased powers over the subjects, to qualify the Ruler for a seat in the Chamber of Princes in his own right. In recent years the Political Department of the Government of India has taken great interest in the problem of the status of the Rulers. For instance, they appointed a Special Officer (Mr. Lothian) in 1931 to submit a report on the status of the States of Orissa and Central Provinces. This officer reported in favour of a general levelling up of the status of the Ruling Chiefs. He was careful to point out that any depression of the status of these Chiefs, *e.g.*, interference with their power to misrule, should be avoided for reasons of Imperial policy. This advice was superfluous, for it is the settled policy of the Government of India to allow the Ruler to deal with his subjects as he likes, as long as he avoids undue publicity. For instance, confidential instructions have been issued to Political Officers on the matter of the behaviour of such officers with the Feudatory Chiefs of Orissa and Chota Nagpur Divisions. They are as follows:—

"The Political Agent should endeavour to convince Chiefs who are in charge of the management of their States, that he is anxious to interfere as little as possible, and to treat them as friends. He should never allow it to be thought that he welcomes, far less encourages, petitions against their authority or orders.

. . . . . . His duty in regard to such States is one of general watchfulness and friendly advice and support. He should not attempt so much to control the actions of the Chiefs as to awake and stimulate in them a sense of individual responsibility; to encourage them to effective and just administration on lines which they have adopted as their own; to lead them to a healthy emulation with each other in good Government, and to make them realise that it is the desire of Government to refrain from all interference and that just and firm rule by them makes any such interference unnecessary."

The emphasis of these instructions is unmistakable. The Political Agent is advised to repeat to the Ruling Chief from time to time a few vague phrases such as 'good Government,' in the same way as a man of the world repeats his daily prayers every morning before attending to serious business. But the emphatic and concrete instructions, repeated twice in this short paragraph, are (1) That the Political Agent must not interfere in the internal affairs of the Raja, (2) that he must convince the Raja that he has a free hand in his State, and that (3) he should 'never allow' the subjects of the Ruler to think that appeals against oppression to the Political Agent will be successful. In other words, he is asked to hand over a blank cheque to the Ruler in return for loyalty to the Paramount Power.

The consequences of this dual policy of raising the status of the Ruling Chiefs externally and giving them a free hand internally are obvious. The maintenance of princely status is an expensive business and compels the Princes to extort money from their subjects in every possible way. The 'free hand' makes this extortion an easy matter. Every Ruling Chief wishes to level up as far as possible with the tallest of his peers, whatever may be the size and resources of his State. Even princely life is being standardised by modern conditions. Travel by land and sea, newspaper publicity, horse-racing, and trips to Europe and the Riviera are some of the recognised attributes of Indian Princes, particularly

of those Princes who must make up in glitter what they lack in gold. The Government of India do not discourage this "levelling up." The Chamber of Princes was a move in this direction.

But the Government do not seem to have realised, or if they did realise, they seem to have overlooked, the economic consequences of this "levelling up" policy. It is one thing to raise the status and dignity of a small Ruler but quite another to find him the money to keep it up. This is the real explanation of the desperate efforts of the Rulers to find money—efforts which reveal them as money-suckers of their subjects. In our opinion the abolition of the small States as separate units alone can remove the intolerable condition of the subjects of these States. We do not think that any "change of heart" on the part of the Ruler or the substitution of a "bad" Ruler by a "good" one will make an appreciable difference. The oppressive conditions prevalent in the small States cannot be removed by personal effort of any Ruler even if he desired their removal, as they are vital to the existence of such States as separate units.

We have mentioned that the policy of the Government of India with regard to States is determined by political and imperial considerations. During a perusal of the documentary evidence before us we noticed that more than one official of the Political Department has given his opinion that any apprehension in the mind of the smaller Rulers that their status and dignity are insecure would be dangerous to imperial interests. One Political Officer bluntly suggested that the existence of such an apprehension was one of the main causes of the "Mutiny."

In conclusion, it is our considered and unanimous view that the problem of the small States of which the problem of the Orissa States is a part, cannot be shelved any longer. The awakening of the people of these States makes an immediate solution imperative. Unless the problem is solved, it is futile to expect that normal

conditions can be restored in these States. On the contrary, there will be no real peace even in the "Administered Provinces" until a solution is found for the problem of the small States. We accept the unity of India as the fundamental basis for any solution, and we reject her present division into two artificial units. Any attempted solution which ignores the desire of the people of India to be one unit is foredoomed to failure.

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## Chapter III.

### Findings and Recommendations.

The Committee, after a careful consideration of the mass of materials produced before it by the witnesses through evidence, written and oral, and other documents, has come to the following conclusions :—

It further ventures to suggest that any other impartial Commission of Enquiry is sure to arrive at the same conclusions as are laid down here. It would welcome the appointment of such a Commission which would afford to the people all possible facilities for representation without any let or hindrance.

1. In most of the States, it is not possible for the public to secure authentic and adequate information regarding the administration, moral and material progress, as well as the social, economic, and political conditions prevailing therein.

Annual Administration Reports are not published in all the States. In some, where they are published, the general public are not aware of their publication.

2. There is no Rule of Law. Even proper codification of laws is absent. Rules and regulations and circulars which govern the normal relations of the Rulers with their people are not generally published and made available to the public.

3. Except in rare cases, there is no proper budgeting system.

4. There is no clear distinction between public Treasury and the Raja's Privy Purse.

5. The Rulers spend, directly or indirectly, the major portion of the State revenues on themselves, their families and dependants.

6. Accounts are generally not kept according to the approved system and there is no independent audit of the same.

7. There is a crushing system of taxation with unusually high land rents, except in one or two cases, and numerous taxes and cesses leading to progressive deterioration of the economic condition of the peasantry. An export duty on the main agricultural produce has worked to the detriment of trade and harmed the interests of the peasantry.

8. Monopolies in certain vital daily necessaries of life have raised prices, reduced their quality and provided a handle to petty officials, often-times with the connivance or direct encouragement of the Rajas and Dewans themselves, to oppress the people.

9. No fundamental rights of citizenship are recognised. Civil liberty is crushed and the people are daily oppressed with a feeling of potential danger to the security of life and property. It is only recently that the two States, Mayurbhanj and Nilgiri have allowed a partial exercise of the right of free speech and association. The *Praja Mandals* in Dhenkanal, Talcher, Nayagarh, Ranpur, Athgarh, Khandpara, Sonepur and Tigiria States are still considered unlawful. They are nowhere recognised except in Nilgiri. Even newspapers are not allowed in some States though they may not have been banned by notification.

10. The peasants in almost all States have no rights in agricultural land. They can neither sell, nor mortgage, nor transfer it without the permission of the authorities. High mutation fees are levied even when

permission is granted for the transfer. Right of adoption is not recognised in all the States. The cultivator is a mere tenant-at-will liable to be ejected at the whim of the Ruler or the State authorities. There are innumerable instances of ejectment of peasants and confiscation of their land in almost every State.

11. *Bethi, begari, rasad, magan, bheti*:—Forced labour and contributions are widely prevalent. Regulations sanctioned by the Rulers and the Political Agents are usually set at naught and people continue to groan under the weight of these systems and usages.

12. Of these *bethi* for *kheda* operations to catch elephants, still in vogue in several States, is intensely hated by the public. *Bethi* for Shikar excursions, with its attendant evils, still persists.

13. Interference by the State authorities in the social and religious life of the people and the exercise of wide powers of control over them through caste *panchayats* and ecclesiastical courts, impede the march of progress and serve as engines of oppression.

14. There is no security of tenure for the public services. Nepotism is widespread in the matter of recruitment.

15. Bribery and corruption prevail from top to bottom with very rare exceptions in the administration of the States.

16. People are not allowed to protect their crops by killing wild animals that do immense damage to the crops.

17. There are hardly any local self-government institutions, worth the name, in these States. Civic amenities in both rural and urban areas are, therefore almost non-existent.

18. People are not allowed to ply their bullock carts on some of the roads constructed by themselves through *bethi* service.

19. The rights of the people about grazing, fuel and the use of forest timber are progressively and seriously encroached upon. Reserved areas in forests are increased, more species of wood are added to the reserved, and high fees are levied for the use of forest articles for daily, domestic or agricultural purposes.

20. There is a fairly big aboriginal population in these States. No serious efforts for their social and economic uplift are visible.

21. The judiciary is entirely dependent upon the Rulers and impartial justice is not easily available.

22. Nation-building departments are being systematically starved. The quality of what little work they produce is very poor.

23. Generally speaking, the States of Orissa are very backward, ill-governed and the people feel much harassed. They are unable as isolated units to provide any day a tolerable system of administration that will be in keeping with the spirit of the times and satisfy the modest needs of the people.

24. Coming specially to those States where gross misrule for years has given occasion to popular risings, specially in 1938, and where the services of British troops have been requisitioned to suppress the ligitimate movements the Committee arrives at the following findings :—

(a) **Dhenkanal.**—Gross misrule and oppression, barbarous cruelties, systematically practised on men and women, perversity of the Ruler and some of his brothers, and to crown all, the method that was adopted with the help of the military to suppress the popular movement directed against brabarous oppression—all these and other facts brought out in the report—*make out a fit case for deposing the Ruler and for making necessary arrangements for good government in the State, pending cancellation of Sanads of the Rulers of Orissa States.*

(b) **Talcher.**—The fact that about one-third of the population left the State and took shelter in the Province of Orissa for nearly a year; that people were branded with hot iron and were systematically "swindled"—*these demand that the State should no longer remain under the management of the Ruler.*

(c) **Athgarh.**—The facts brought out in the report *necessitate immediate withdrawal of all the powers from the Ruler and introduction of necessary arrangements for efficient administration.*

(d) **Ranpur.**—*The tiny State of Ranpur does not deserve separate existence.*

(e) **Gangpur.**—The facts that for mere collection of rent and for helping to arrest one man, the military was requisitioned and scores of men and women were killed, combined with other facts revealed in the report, *conclusively prove that the State should no longer remain under the management of the Regent Rani Saheba.*

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## Recommendations.

The present unrest and discontent in Orissa States are not a temporary affair. They have their roots in a situation which is full of potential danger. No temporary expedients or make-shifts are likely to solve the problem. We shall have to go into its very root in search of remedies that will meet the requirements of the situation. The essential conditions of the problem are now well-known. Small States, with modest populations and scanty sources of revenue are brought face to face with vast autonomous Provinces where people zealously exercise their new-found rights of Self-Government and Self-determination. Most of the States border on one or more of the Districts in the Province of Bihar or Orissa. The message of the great national institution, *viz.*, the Indian National Congress and its leader, Mahatma Gandhi, has penetrated into the forest-bound hinterland of the States. The popular

governments just on the other side of the geographical boundary of the States have kindled in the hearts of the States' people an ambition to deal with the problems confronting them in the same manner. The agrarian legislation of the pupular cabinets has reached the fastnesses and jungles of the *Garjats*.

The inability of the States' authorities to provide popular and enlightened administrations in the areas under their charge and the misrule and oppression which widely prevail under the present system therein are responsible for the spirit of revolt.

It is, therefore, imperative that a radical solution of the present day problem has to be carefully thought out and applied to the present situation. It is with that view, and in that spirit, that the Committee has framed its recommendations.

The Committee recommends that, in view of the inherent inability of the Orissa States, to support popular enlightened administrations within their areas and in view of the inevitability of a strong and irresistible popular demand from the people of these States for rights of Self-Government and Self-determination, *the Sanads granted to the Rulers of the States by the Paramount Power should be cancelled and they may be treated as landlords of permanently settled Estates such as Aul, Kujang and Kanika.* That this could be done without doing any violence to the rights of these Chiefs will be clear from a perusal of the examination of their original status appearing in the foregoing pages. The acceptance of this recommendation will bring these Estates under the jurisdiction of the autonomous provinces and the people concerned will be enabled to join hands with their brethren in the Province of Orissa in their attempts to solve the problems common to them all.

Pending the cancellation of Sanads the Committee makes the following minimum recommendations which are absolutely necessary in the interest of peace both in the States and in the Provinces.

1. The Governor in the Ministry of the province of Orissa may be vested with the powers now exercised by the Resident, *i.e.*, the power of tendering advice to the Rulers of the States under the terms of the Sanads.

2. The following minima which Gandhiji expects from the Rulers may be immediately given effect to :—

"Full civil liberty so long as it is not used to promote violence directly or indirectly. It includes freedom of the press, and freedom to receive newspapers which do not promote violence.

"Freedom to all people of the States to form associations to educate public opinion.

"Freedom for Indians outside particular States to enter them without let or hindrance so long as their activities are not directed towards the destruction of the States in question.

"Privy purse should be limited so as not to exceed one-tenth of the income where it ranges between Rs. 10 and 15 lakhs per year and should include the private expenses of the Ruler, palace expenses, cars and stables of the Ruler and guests except those which have reference to the performance of public duty which should be clearly defined.

"The judiciary is to be independent and permanent and free of all interference. In order to ensure uniformity of practice and strict impartiality there should be appeal to the High Court of the Province within which the State in question is situated."

These temporary arrangements should function in such a way as to ensure the early realisation by the people of the Orissa States of their ambition to enjoy full responsible Government as integral parts of the Province of Orissa.

H. Mahtab,
L. M. Patnaik,
B. G. Mehta.

*Cuttack,*
*18-7-39.*

# PART II.

# INDIVIDUAL STATES.

## DHENKANAL STATE.

Area—1,436 sq. miles.
Population—2,84,328.
Income—Rs. 5,31,000.
Geographical situation—Adjacent to Cuttack District.

Dhenkanal has been prominent in the public eye during the last two years. While the Committee was still sitting, serious disturbances took place in the State and to put them down British troops were despatched by the Government of India. This was followed by a reign of terror unprecedented in the history of the Orissa States. In view of this background and also in view of the fact that conditions in Dhenkanal are typical of all the Orissa States, we have considered it necessary to discuss Dhenkanal at some length.

We examined several hundred witnesses, men as well as women. Several of these witnesses deposed that they were warned by the State officials in Dhenkanal against giving evidence before our Committee. Some were threatened with reprisals if they did. We have to record one depressing episode which occurred during our investigation. One witness, whose name was Brindaban Dhal, an ex-Assistant Commissioner of Police in Dhenkanal, gave his evidence and offered to assist the Committee in the collection of evidence. We accepted his offer. After a few days he disappeared and the files containing recorded testimony of witnesses from Dhenkanal and Keonjhar disappeared with him. It was revealed that he was a spy. But we were able to recall some of the more important witnesses of Dhenkanal and record their evidence afresh.

But the disappearance of the Keonjhar files had unfortunate results. The witnesses from Keonjhar who had given evidence before us were made the victims of reprisals by the Keonjhar State authorities. Many of them were thrown in Jail. A strict watch was kept on the movement of people leaving the State territory. As a result, the witnesses from Keonjhar were terrorised into staying away.

Dhenkanal came under British domination in 1803 after the third Marhatta war. An engagement was executed in that year between the Ruling Chief and the East India Company. A Sanad of adoption was granted in 1862. In 1894 a fresh Sanad was granted to Raja Sura Pratap Mahindra Bahadur defining his status and powers. This Sanad was revised in 1908, 1915 and 1937. The present Ruler is Raja Sankar Pratap Singh Deo Mahindra Bahadur. He was born in 1904 and was educated at the Rajkumar College, Raipur.

**Constitutional Status**:—The question of "treaty rights" of Dhenkanal is discussed in another section of this report under that head.

The capital of the State is Dhenkanal.

The main occupation of the people is agriculture. The State has mining resources, but these are not developed. There are no industries of any kind. The chief sources of revenue are land and forest. An investigation into the conditons of Dhenkanal is tantamount, as in the case of all the other Orissa States, to an inquiry into the condition of the peasantry of the State.

The land belongs in theory to the State. It is rented out to cultivators. The cultivators have no proprietary or occupancy rights. They are tenants-at-will who are liable to be ejected without cause being shown. A peasant is not entitled to any compensation for any improvement which he may have effected on the

land at his own expense. He is not allowed to transfer the land without the permission of the State. This permission is granted only on payment of a heavy fee which is in addition to any stamp duty on the transfer deed.

There was a new land settlement in 1923 as a result of which there was an all round increase in rent. But the rent is not the only due that is exacted from the peasant. In addition, he has to pay many other dues in various forms. The principal dues are (1) the forest cess, (2) *Rasad* (imprest provisions), (3) *Magan* (forced contributions), (4) *Bheti* (tributes), (5) *Bethi* (unpaid forced labour), and (6) the education cess. In addition to this, the peasant is frequently made to pay fines for breaches of forest laws and other minor regulations. We shall proceed to discuss these dues.

**The Forest Cess**:—Every peasant has to pay a forest cess which amounts to five pice per rupee of rent. In other words, the forest cess increases the rent by nearly eight per cent. Previously the peasant enjoyed certain privileges in return for the forest cess. He was entitled to take wood from the unreserved forests. This was a valuable right as he used the wood for his implements and for the building or repairing of his house. He was also allowed to graze his cattle in the forest and to gather fruit and honey from it. Rules granting these rights were sanctioned by the Lieutenant-Governor of Bengal and listed in 1906. For instance, under Rule 4 of the Forest Rules of 1906, 16 species of unreserved wood could be used by the peasants for building houses and other purposes. No permission was required to obtain them. All these privileges have been taken away. Various regulations have been made curtailing the rights of peasants in this respect. Moreover, the peasants have been gradually deprived even of the rights allowed by the law, and the present position in the words of one witness is that "the subject cannot remove one thorn-bush." If the peasant attempts to remove fuel or wood from the forest he is punished, beaten and fined.

Moreover, the grazing rights have been taken away. A grazing fee is now levied at the rate of 8 annas per buffalo, 4 annas for each cow, and 2 annas for each goat or sheep. The Chandana peasants have to pay double this fee. Fines for breaches of grazing laws are very heavy, the offender being made to pay 10 times the fee.

**Rasad** *(imprest provisions)*:—The peasants are made to supply provisions to the Ruler, his friends and guests and all officials of the State passing through or touring the village. The officials of the Forest Department, the Tahsildars, Inspectors of police and peons are constantly touring about and the villagers have to supply them with provisions free of charge. The provisions which the villagers have to provide include rice, ghee (clarified butter), *goats*, *chicken*, *eggs*, *fish*, vegetables, flour, spices, oil, kerosine, sugar, milk, curds, dates, oranges, fuel, and utensils. In some cases the villagers have had to provide *whisky*, *wine* and *brandy*, which they had to do at great expense. If they fail to supply, they are punished, beaten and fined.

**Magan** *(forced contributions)*:—On certain occasions, the State levies Magan or compulsory contribution on the peasants, *e.g.*, the thread ceremony of the Ruler, the marriage of the Ruler, the thread ceremony and the ear-piercing ceremony of all the Princes. Magan for marriage is ¼ of the rent. On other occasions it is payable in theory according to the ability of the peasant to pay, in practice according to the ability of the officials to extort. Witnesses deposed that *magan* was levied and paid on the following occasions during the last generation. (1) Marriage ceremony of Sura Pratap, 1903—¼ of the annual rent; (2) the ear-piercing ceremony of the two Kumars in 1912—¼ of the annual rent; (3) In 1928, when the younger brother of the Ruler went to England for higher studies, *magan* was levied "according to ability," the total sum raised being seven or eight thousand rupees.

Another form of levying *magan* is to compel the peasants to sell produce at rates much cheaper than

the market rate. Witnesses deposed that the Ruler's mother, Pattayet (Ruler's brother) and the Nini Saheb (the Ruler's second brother) have bought of the peasants ghee and rice worth thousands of rupees at cheap rates. They demanded and got 100 *manas* when the market rate was 50 or 60 *manas* per rupee. Thus the peasant was forced to sell his produce at approximately half the market price.

The payment of *magan* is compulsory. Failure to pay it is punished with fines. If the quantity supplied is not to the measure the peasant is punished. Several witnesses deposed that rice was "measured" in their presence in the village, but it was found short at the depot and the peasant was fined for the shortage.

Another form of tribute exacted from the peasants is *bheti* (forced offerings). For instance, on New Year's Day the peasants pay *suniya bheti* which amounts to one pice or half pice per rupee or roughly one per cent of annual rent. The collection is made by the Sarbarakar (headman) of each village, who hands over the money to the Raja If a Sarbarakar is negligent in collection he is fined. It is not to be wondered at that the Sarbarakars collect the dues to the last pie. The methods of collection are very severe.

**Bethi** *(unpaid forced labour)*:—The peasant is constantly forced to do labour on all sorts of occasions and for all sorts of work. For this he is paid nothing. The following are the principal types of *bethi*:—

*Work at the Palace*:—Construction of buildings and repair work; accompanying the Ruler and high officials of the State on huntiug excursions; building houses for "the favoured persons;" construction of hostels and school buildings; planting of gardens and hedges; clearing the boundary of the 17 reserved forests; extinguishing forest fires; Kheda (elephant catching) operations, breaking stones for building, roads and bridges; manual work at the time of marriages in the palace and in the houses of high officials of the State; and spreading wooden planks or

*tattis* across the river bed to enable motors to go across. Boatmen are forced to ply their boats free for periods extending over 30 days. During the Kheda season, as many as fifteen thousand men are forcibly collected to capture the elephants. Their work lasts from 15 to 30 days. Afterwards two to three thousand men are retained for the training of elephants. They have to bring fodder for the elephants and do other odd jobs.

The peasants are often called away during the harvesting season. No provision is made to feed them. They have to shift for themselves as best as they can. We cannot do better than quote from the replies of some of the witnesses to our questions.

Q.—Are there any occasions during the paddy cultivating and harvesting seasons when you are called upon to perform *bethi*?

A.—Yes.

Q.—Have you paid any fine or penalty for your inability to leave your own paddy field?

A.—Yes, there are thousands of cases.

Q.—Can you state approximately the number of men required for a Shikar beat?

A.—From three to eight thousand, and without price the buffaloes and horses are tied as bait for the tiger to eat before the Shikar beat. (The witnesses meant that the peasants have to bring their buffaloes and horses as bait for the tiger).

Q.—How many days have these men to be absent from home?

A.—Three days.

Q.—Are there Shikar beats (hunts) in the hot summer months?

A.—Yes.

Q —Does the State make arrangements for the supply of drinking water?

A.—No. *We quench our thirst by eating green leaves from the trees.* The officers who are engaged for killing beasts are supplied with water from far-off places.

Q —Can you state approximately the number of men required for a Kheda (elephant catching) operation?

A.—Nearly 15,000 men are required for capturing elephants for 15 or 30 days. In their training period nearly 2 to 3 thousand men are required for supplying leaves and branches.

Q.—How many days in all have the men to work in Kheda?

A.—From 30 to 35 days.

Q.—Has this ever interfered with your paddy harvesting?

A.—Nearly all the Kheda operations occurred in harvest time. Often we left off cutting paddy in the field for this *bethi*, and these were wasted by the wild beasts and thieves. Moreover, we lost the proper time for sowing other crops.

Q.—Are you ever paid for any work?

A.—No. On the contrary, we supply *rasad*, fines, and various things.

Q.—What is the daily wage in your locality?

A.—The daily wage is from 6 pice to 10 pice (1½ d. to 2½ d. a day).

Q.—Are you supplied with food while performing *bethi*?

A.—No. We took our food from home and if the provisions were finished in the middle of the *bethi* period, we did not get permission to bring it again, and thus suffered very much.

Q.—Are there instances of beating, if a man is unable to do certain kinds of work due to ignorance, or if he cannot work quickly, or if he is late in his attendance, or for any other reason?

A.—Yes.

Q.—Are fines collected for failure to perform *bethi*? Give instances, amounts, and documentary evidence?

A.—Such fines were numerous from 1923 to 1936. The receipts we got were very few. Some of them and some true copies are sent herewith.

In 1936 the Ruler or Dhenkanal made a public declaration abolishing *bethi* and substituting a Local Cess in its place. This cess amounted to 4 annas per rupee of the annual rent. In other words, it meant *a 25 % increase in rent*. For those who were not paying rent the Local Cess was double the education cess. But it appears from the evidence before us that this proclamation was mere "window-dressing" calculated to catch public opinion outside the State.

The peasant now pays the Local Cess in addition to forced labour. This "swindle," as an officer of the Political Department called it, is commonly and frequently practised by the Orissa States.

**Education Cess**:—The peasants also pay an education cess. This amounts to two annas for each rupee of annual rent. In other words, it adds to the rent by 12½ %. In addition to this the school buildings were built and kept in repair by the forced labour of the peasants. But this type of forced labour seems to have been discontinued from 1936.

The condition of the peasant in Dhenkanal beggars description. The rent he has to pay is much higher than in Orissa Province. In addition he has to bear the burden of forest cess, grazing fees, and education cess; he has to pay cash tributes to the Ruler on numerous occasions; he

is forced to supply provisions to the Ruler, his relatives, guests and friends, and all the officials of the State who tour his village; and for five months in the year he is forced to labour for others. It may be asked: how does the peasant make a living out of the soil, saddled as he is with these crushing burdens? The answer is that very frequently he does not make a living. We enclose in the appendix a table of Income and Expenditure for two years which was submitted to us by a witness. Of the four farms owned by him, three resulted in loss "which had to be made up by loans from the Mahajan (money-lender)."

Another burden which weighs heavily on the peasants is fines. They are numerous and heavy—so heavy in fact that their utensils, goods, cattle are sold to realise them. Sometimes the peasant sells them himself to be able to pay the fine in time, and thus avoid default which would mean a heavier fine accompanied by beating. Very often "private" fines are levied by officials. No receipt is given and the officials appropriate the amount of fine. This practice is illegal, but it is widespread and the Ruler has made no attempt to check it. Following are some of the offences for which the peasants have been fined; breach of monopoly of betel leaf; breaches of forest law; failure to supply provisions *(rasad)*; failure to turn up for forced labour *(bethi)*; unpuncutality in forced labour; slackness in forced labour; killing tigers on the land; removing earth from the village pit; exporting rice from the State without permission.

Most of these fines were levied by "Night Courts." These Night Courts are peculiar to Orissa States and even there they have acquired a sinister reputation. No regular procedure was recognised and followed by these Courts. No attempt was made to inquire if the charge was true or false. Often the Magistrate himself would order the accused to be beaten up. The method, in so far as there is any method, of assessing and collecting fines is somewhat like this: There is no fixed scale of fines. The Court fixes the fine usually at a high figure. The accused protests and pleads his inability to pay.

Ultimately the fine is fixed at a reduced figure. By this time the beatings and torture have reduced the peasant to a state of mind when he is glad to escape at any cost. He sells his utensils and cattle and pays the fine. No receipt is given. It is not surprising that these Courts are called "Andhari Kachery" or the Courts of Darkness by the peasants.

No description by us can give an accurate idea of the nature of these Night Courts and their methods to extort fines. We have considered it best to give below the description of the peasants in their own words. Only a few typical cases are given below owing to lack of space. Scores of similar cases were recorded by us.

WITNESS NO. 2. . . . a widow states as follows:—

" . . . . The sum of Rs. 30 was collected from us for the alleged offence of cutting trees standing on our own land. A notice was circulated to the effect that the subjects may cut trees standing on their own lands by virtue of which order we cut the trees on our own land. My son was fined Rs. 30 on the allegation that he had cut down several trees of larger girth. Then he paid Rs. 10 for cutting some useless *medhas* (saplings of unreserved species used for fencing). Then again a fine of Rs. 8 was collected from him for an axle of a cart. After six months another case was got up against him. My son smoked guli (a kind of preparation of opium). He buys opium from the State shop and prepares it and smokes it at home. The Excise Officer somehow found it out and told him, "It is against the law for you to prepare *guli*." When my son said that he had been preparing it for a long time, the Daroga said, "Now you cannot do it. According to the new rules you are guilty" (Not true). So he was led to the Court and that very day he was fined Rs. 120. The same day another subject was fined Rs. 120 for the same fault. He was sent to jail as he could not pay the sum and died there after 8 days, due to non-smoking of *guli*. I brought my son on bail and paid the amount by selling the land. After two months, my son died of grief over these matters. Now I remain

helpless with two grand-sons and four grand-daughters. All my property is being wasted. I have turned a beggar in the street. Again a criminal case was set up against me by the State . . . . . . . . . . I, an old woman, attended the Court many times and at last . . . . . . . . . was fined Rs. 25. I paid this amount by selling ornaments.

"After waiting for many days I was allowed to see the Raja and laid my grievances before him. He consoled me by saying that he would look into the case. But as no steps were taken, I am spending my days with great sorrow and anxiety."

WITNESS NO. 4. . . . . . . 34 years old, owning about 10 acres of land.

"About five years ago one of our villagers aged about 18 years died being struck with lightning. Two or three days after this the police people came and drove 35 villagers to Madhuban mango tope near the Sadar Police Station and detained us over a fortnight subjecting us to all sorts of oppressions. Finally, when they discovered that we were innocent and that the said man died as a result of a stroke of lightning, they forced us to pay them a large sum of money. We were fined Rs. 827. No one was granted any receipt for the fines paid. We paid the fines by selling bullocks, paddy and other properties.

Though we belong to Lakhraj Mouza, we were asked to perform *bethi* (forced labour) for digging a tank at Jatan Nagar. We refused and so the whole village was fined Rs. 18."

WITNESS NO. 5.

"My name is . . . . . ., wife of . . . . . of Dhenkanal. In the month of last Pousa, I went to Balarampur *Hat* and purchased a bundle of 50 *pans* (betel leaves). On returning home I was searched by a constable called Khaga and another, Biso Mahanti. They even unfastened my cloth. I was forced to bribe

them to the extent of 8 annas (about 9 d.) which I had to borrow from a Teli.

WITNESS No 6.

"I am the wife of . . . . . in Dhenkanal, and my name is . . . . . . Two years ago when I was in confinement and my husband was away, some forest servants entered my home and made a search of it in spite of my protest on the alleged ground of collecting fines from my husband's brother for having brought some timber from the forest without the knowledge of the authorities. He (the brother) lives separately from us. Our properties were sold in auction the same day for Rs. 18 in all. Though they said he was fined Rs. 12, the surplus was never returned to us. I was dragged out of the confinement room.

Ten days ago my utensils were attached—6 in number—by a peon of the Tahsildar for arrears of rent of ten annas (about 11 d). He took away one *gara*, one *lota*, two bell metal cups, one *thala*, and a *kansa*—the total value being Rs. 8 roughly. We have lodged a complaint against this. No action, so far, has been taken by the Tahsildar who is camping in our village now."

WITNESS No. 7,

My name is . . . . . . . . and I belong to . . . . . . . Dhenkanal. Some five years ago during summer, one Krishna, a forest guard came and forcibly took away one of my cows as I had once brought one *Paldhua* tree for making a sort of rough cot. This is one of the unreserved species which we are allowed to take freely. When I protested, I was taken to the camp of the Forest Officer, five miles away from my village. There I was made naked, and my pubic hair was removed by the forest guard in the presence of the officer. I was forced to part with one of my cows worth about Rs. 30."

WITNESSES NOS. 11, 12 AND 13.

"Our names are . . . . . . . . . . . . . . . . . . . . Five years ago a blind boy of our village was singing a song before the S. I. of Police. It was said that the song was against the Raja Saheb. . . . . . . . . . . . . . Thereafter we, the above witnesses, were taken forcibly without any summons or warrant to *Nizgarh* and detained in the Thana for about ten days. We were accused of having composed the song. We were abused in very filthy language for some time in the Thana. . . . . . . . . . After all this oppression we were told that we must pay twenty thousand rupees for this serious offence. Finally, each one of us was fined Rs. 100. . . . . . . . This was not a case in the regular Court, no witnesses, for or against us, were produced. This is what was known in Dhenkanal at the time as "Andhari Kacheri" (Dark Court).

"About four years ago I was summoned to the Thana where police officers were present. It was early morning. I was told that my cart had damaged the Pattayet's car. I said, 'This is all false. The cart was behind the car, so how could that be possible?' Then they said, 'Well, you pay Rs. 27,000 and all your troubles will end.' They all surrounded me and detained me till 3 p.m. Every half hour they reduced the amount, till finally I was prevailed upon to pay Rs. 50. With much reluctance and to escape further trouble and detention, I agreed to pay the amount within seven days and was discharged. Thus for no fault of mine I was unlawfully, illegally and unjustly compelled to part with Rs. 50. We are one of the richest and respectable familes in Dhenkanal."

WITNESS NO. 16.

"My name is . . . . . . . . . . So and so once falsely reported against me to the police that I had taken away his paddy crop. S. I. Sridhar Mangaraj summoned me and threatened me and asked me to pay Rs. 25, otherwise he said he would charge me and try

the case in a court of law. No witness was produced, no evidence was taken, but I paid the fine to the S. I. No receipt was granted to me for the amount paid. Very often people in our State suffer from such official vagaries and harassments."

WITNESS No. 18 and several others.

"Five years ago, Sridhar Mangaraj, the Sub-Inspector of Police made an allegation in order to collect some money and led us to the police station. When we asked the Babu the cause of fetching us, he said, 'You are brought here as you have formed a Court in your village.' As this was totally false, we answered him in the negative We spent 13 days under the mango tree, being beaten and rebuked, and passing the nights with empty stomach and in the cold of the month of Margasir (November and December). Their accusation proved false. Peskar:Nanda Kisore Rai and Sridhar Mangaraj fined us Rs. 350 in their secret Court and forced us to sign. Then we were released.

"After a month we were asked to pay the money. When we prayed that we were unable to pay such an unjust and groundless fine, the Writer Head Constable Guna gave me 20 canes which made me senseless. Then several others were severely beaten, and within four days some of the amount was collected. In the end all was taken away. No receipts were granted to us.

"After this we two and several other oppressed persons appealed against this before the Chief and orally laid our grievances before him, but without giving any consideration to the matter he drove us away."

WITNESS No. 44 and 3 others.

"We were required to supply carts by *bethi* for the State Electric House. As we were unable to supply, Nanda Kishore Ray exacted Rs. 108 for 9 carts at Rs. 12 for each cart. We had supplied 2 carts already."

WITNESS NO. 45.

"Nandaram Singh, a police officer sent for me to the police station and kept me under guard. Then he sent a constable and Chowkidar to oppress my people at home. Hearing this all my family members fled to another village. They (constable and Chowkidar) returned with the news of my family's flight. On hearing this he (the police officer) ordered a sweeper to pour some night soil into my mouth, and also I was beaten severely. I was kept in Hazat (custody) for 2 cr 3 days, and he said that if I could give Rs. 200 I would be released. When I said I could not get the money, he increased the punishment. Then he asked the Chowkidars what property I had. When they answered that I had cows, buffaloes, etc., they were ordered to fetch all my buffaloes, so that all the amount could be collected. So I was compelled to give the amount in fear and requested them to give time for 8 days. Coming home, I sold all my cows and buffaloes and paid the sum of Rs. 150 and prayed to be exempted from paying the balance of the amount, which was granted."

WITNESS NO. 45, EX. XI.

"Once I was forcibly taken to *Nizgarh* by a verbal notice of Nanda Peskar and was told at his house that they had news that I had oppressed people. I was then ordered to pay Rs. 100, to the "State" if I wanted to avoid a fuss. When I protested and asked why I was required to pay Rs. 100 he became angry and threatened to assault me. So I was afraid and agreed to pay Rs. 20. I paid this sum and was released."

WITNESS NO. 46.

"I now live in Hindol. I left Dhenkanal as I was much oppressed by Sub-Inspector, Nandaram Singh and Sudersan, the Daroga. The former compelled me against my will to sell my lands to . . . . for a price much lower than its market value. On top

of that he wanted me to pay him Rs. 100 as fine, and threatened to punish me. I gave away my land and could not pay the fine, and so I left Dhenkanal."

WITNESS No. 51.

"My name is . . . . and I belong to . . . . . . in Dhenkanal. About two months ago as I was returning home from Pal Lahara, Excise Inspector Baidyanath Das stopped me near the school, and stripped me and a search was made. A few pieces of *pan* (betel leaves) were found with me, for which I was fined Rs. 12. They did not give me a receipt for the sum."

WITNESS No. 57 and others.

"We the undersigned signatories are the inhabitants of . . . . . In 1933, the State authorities levied a subscription of 8 annas per rupee of rent to build an embankment at Bhalumunda. When the rains set in, we felled a *Sal* tree in the jungle and utilised it for ten ploughs and some agricultural materials for tilling the soil, etc. We pay forest cess but we fail to make any use of the jungle. Forest Ranger, Krishna Ch. Acharya, caught hold of us, and at Basai we were severely beaten by him at night. Out of fear we signed a bond for Rs. 173 and paid it afterwards."

Sd.

WITNESS No. 31.

"My name . . . . . . My husband died some five or six years ago when the Jatan Nagar palace was being built. He was carrying stones in his bullock cart for the construction of the said palace. On or about the 8th day of Jaistha, which was Thursday, my husband was beaten for not being regular in his work. Banamali Jamadar, who was in charge of the construction, abused him and beat him severely, gave him hard blows on the head, and blood came out through his nose. My husband returned home the same evening. I found that

he was bleeding in the nose and his back was swollen considerably. When he left home he was strong and in good health. He never had any ailment. Next day my husband was taken in a cart to the hospital as he was absolutely unfit to walk. He groaned and groaned and died on Saturday morning. The police came in and took certain statements from my daughter. The Raja came and inquired from my daughter and myself. We told him the whole story. He went back and dismissed the Jamadar Banamali. No compensation was given to me. I am a helpless widow. Such things do happen in our State. X, son of Y was also similarly beaten to death. This happened after the death of my husband."

WITNESS NO. 39.

"My name is . . . ., wife of the late . . . I belong to village . . .

Five years ago my mother-in-law died by hanging herself from a rope, as she could not bear the excessive colic pain she was suffering from. The Sub-Inspector, Sreedhar Mangaraj, and Rahasa Patnaik came from the palace to our house and asked my husband and myself as to how she died. We told them the above facts. They did not accept them and they beat us severely. Then we were taken to the school compound where they detained us, and the dead body for five days and demanded Rs. 20/- from us and would not let us go nor allow the dead body to be cremated until and unless we paid the sum demanded. We sold our only pair of bullocks for Rs. 20/- and paid the sum to Sreedhar Daroga.

My husband suffered from the effects of the wounds that were inflicted on him, was laid up in bed with his body swollen, and died subsequently.

We never received any receipt for Rs. 20/- paid to Sreedhar Daroga."

" WITNESS NO. 44 and others.

"We were ordered by Nandaram Singh to bring stones for the embankment at Mendhapada and we carried out the order. After performing some work we requsted him to release us as no feed for the bullocks was available there. We came by his order. Four days afterwards we were called back and were asked why we had neglected our duty. Then he ordered us to pay Rs. 50/- as fine, failing which we should be duly punished. We paid Rs. 50/- afterwards on another date."

Thus one begins to grasp the true role of fines in Dhenkanal State. The life of a peasant is hedged in with so many restrictions that he treads on a fine at every turn. It seemed to us that fines have been made an integral part of the agricultural economy of the State. Even when a genuine offence is committed, the amount of fine imposed is out of all proportion to the seriousness of the crime committed and beyond the normal capacity of the peasant to pay. The collection is ruthless and methods of collection are brutal and barbarous. The whole system is reeking with corruption and bribery. No records are kept and no receipts are given. These fines are levied not to prevent offences —very often they are levied on offences which were never committed—but to bring more money to the private purse of the Ruler. We have come to the conclusion that the stystem of fines in Dhenkanal is a great "racket" whose unique feature is that the Chief racketeer is the Ruler of the State. This racket enables him to swell his privy purse. It enables his officials, who are ill-paid owing to the poor resources of the State, to make enough money to live in comfort.

The Butler Committee expressed their fear that "the small size of the State may make it difficult for it to perform properly the functions of Government." The system of "fines" is a significant illustration of the same.

Another burden on the people is monopolies. The Ruler grants the monopoly of a certain commodity

to a certain person, usually a Court favourite. This person acquires the exclusive right of selling that commodity in the State. Taking advantage of this monopoly, he sells it at a price higher than the market price. Monopolies have been granted in recent years. Before 1936, the principal monopoly commodities were salt, kerosine and betel leaf. As the commodity is usually a necessary or an article of daily consumption, the system weighs heavily on the peasants. The slightest breach of monopoly regulations is punished with heavy fines. The offender is often beaten. The system has also put power into the hands of a host of petty officials who use it to enrich themselves. In many cases the fine paid by the accused is not really a fine but a bribe to persuade the petty officials to withdraw faked cases against him. In 1937-38, Nanda Peskar, Court Reader to the Ruler, was granted the monopoly of selling *pans* (betel leaves) and *bidis* (country cigarettes) in the State. Both commodities are largely consumed and are sold even in the smallest village. This man made use of his official position and prestige as a favourite of the Ruler to make the monopoly as profitable as possible to him. The average retail price of the *bidis* is 50% higher in Dhenkanal than at Cuttack, which is 25 miles away. The difference in the retail price of *pan* is even greater. To give an illustration of the gross abuse of monopolies by Court favourites, we annex to this report a copy of a Kabuliyat and a Patta which two retailers of *pan* were compelled by Nanda Peskar to execute. We were informed that complaints were made to the Political Agent against the monopoly. We do not know what action was taken on them. Thus Dhenkanal still retains the system of "monopolies"— a system which was abolished in all civilised countries. hundreds of years ago, for the reason that it weighed heavily on the people and was a hindrance to the economic progress of the country.

Another restriction on the cultivator is that he is not allowed to kill any wild beasts on his own land. To do this he must have a licence for which

there is a fee. He is not allowed to kill tigers under any circumstances.

These are the economic conditions under which the peasants of Dhenkanal are living to-day. Further comment is superfluous.

**Administration.** In 1936, the Ruler issued a proclamation creating an Executive Council for his State. He appointed himself the President,, his younger brother the Vice-President, and his second brother the "Home Member" of this Council. A fourth gentleman was appointed Judicial Member. The proclamation laid down the powers of this Executive Council. But it is obvious from the personnel that the Council was a farce. All power still centres in the Ruler. He can pass or repeal any law and in practice violates many of them. He can appoint or dismiss any official. He can impose any tax. He has sent many of his subjects to prison without trial. He can do anything he likes within the limits of his State. There are only two checks on his autocratic and arbitrary power, *viz.*, fear of rebellion and the fear of interference by the Paramount Power. The armed forces of the British Government have made him secure against the first danger, and their policy of non-interference against the second. The essential feature of the administration is the complete absence of any recognised rules and standards to which all must conform. There is no security of service. No minimum qualification is laid down for any job or post. The worst feature is that persons who are dismissed or even convicted by the Government of a province or a neighbouring State or in Dhenkanal itself are employed by the Ruler in his service. We give the following instances which have occurred in recent years:—

1. Antaryami Patanayak, the present jailor, was convicted in 1919-20 and imprisoned for three years. He was re-employed by the present Raja.

2. Ghazanfar Ali, ex-Police Guard, was convicted in 1920 and imprisoned for three years. He was re-employed by the present Raja.

3. Sadhu Charan Mahanty, Sub-Inspector of Police, was sent to prison in 1932, and was re-employed.

4. Bansidhar Pradhan, alias, Bansidhar Champat Singh, was a Sub-Inspector of Police. He was fined for some offence and discharged. He was re-employed in 1931 in the same post, and again discharged. He is now in charge of the Pattayet's Chaulia Farm.

5. Wahied, Sub-Inspector of Police, was dismissed from the service of Tigiria State and employed by Dhenkanal. He was twice sent to prison on different charges. After this he lived at Cuttack for several years. After the people's movement started he was re-employed as Sub-Inspector of Police.

6. Brindaban Bijaysingh, Military Drill Teacher, was convicted in 1929 and sent to prison for one year. After release he was re-employed on the Palace Staff.

7. Nanda Kishore Patnaik, Sub-Inspector of Police was sent to prison during the time of Minority Administration. He was re-engaged by the present Ruler about 1928-29, and again sent to prison in 1931.

8. Govind Chandra, Sub-Inspector of Police, was discharged by the Government of Bihar and Orissa, and employed as Court Inspector in Dhenkanal.

9. Bhagabati Charan Ghose, was discharged by the Government of Bihar and Orissa, and employed as Sub-Inspector of Police in Dhenkanal a few years ago.

10. Nilmani Dhal was discharged from service by the Government of Bihar and Orissa, and appointed Court Inspector in Dhenkanal.

11. Narayan Sarangi was discharged from service by the Government of Bihar and Orissa, and appointed Court Inspector in Dhenkanal.

12. Shyam Sundar Mahapatra, was discharged from service during the period of Minority Administration and re-employed by the present Ruler as Poddar.

13. Kritibas Mahapatra, once sent to prison, has been employed as temporary Poddar on many occasions.

14. Padmanav Padhan, once sent to prison, is now a Palace Orderly.

15. Padia, once sent to prison, is now a Palace Orderly.

16. Hari Narendra, once sent to prision, is now a Palace Orderly.

17. Gadadhar Misra, once sent to prision, is now a petition-writer, and recently Kanungo.

18. Yusuf Beg, was sent to prison several times, and on relaese on each occasion, was employed in the Police or on the Palace Staff.

19. Rashid once sent to prison, was engaged in the Palace.

20. Hadia Khan, once sent to prison, was engaged in charge of tents.

21. Banamali Patnaik was originally in the Police force. He was sent to prison under the Minority Administration. He was re-employed in the Police force by the present Raja, and again sent to prison.

**Administration of Justice:**—In March 1936, the Ruler issued a proclamation to the effect that "there shall be a High Court called the High Court of Judicature at Dhenkanal." This was eight years ago, but the "High Court of Judicature at Dhenkanal" has not yet come into existence. The proclamation was one of the periodical acts of window-dressing which has become a familiar occurrence in Dhenkanal.

There is no judicial service on the model of provinces of India. Sometime ago, the State had a Munsiff and a Judge A little later the post of "Chief Judge" was created, and the Munsiff was appointed the first Chief

Judge. As all officers in Dhenkanal are liable to dismissal without cause by the Ruler, lawyers of ability are rarely available for service as Judges.

Criminal justice is arbitrary. There are no safeguards against arbitrary arrest. People are arrested on suspicion without warrant and kept by the police in custody for long periods.

**Civil Liberty**:—Civil liberties are none-existent in Dhenkanal. No public meetings are allowed to be held. The local "*Praja Mandal*' or Peoples' Association has been banned. Almost all the newspapers published in the Oriya language are also banned. This has virtually deprived the people of the right to read newspapers, as the language of the province is Oriya and very few know English.

Conditions are unfavourable for the development of trade and commerce. Traders are harrassed by the officials for bribes and other illegal extortions. The property of the citizen is not safe in the State. A trader has to depend on the personal will or caprice of the Ruler. If he is in favour, all goes well with him. But if he incurs the displeasure of the Ruler, or if the Ruler gets tired of him or otherwise decides to get rid of him, he is expelled on some pretext or other. It is an easy matter in Dhenkanal to secure the conviction of a person on evidence which would not stand judicial scrutiny in any Court of justice worthy of the name. This lack of security is the reason why capitalists have not invested their capital in the State, though the State is reported to have mineral resources. Rule of Law and industrial progress march together and wherever the first has been absent, the second has been found to be impossible.

The most shocking features of the administration are frequent acts of rape, and indecent assault on women by police officials and other officers of the State. It has become almost a normal procedure.

Whenever a woman is arrested, she rarely escapes without being raped or assaulted. This scandalous be-

haviour of the police has become so frequent, that people have come to regard it as part of the normal routine in cases where women are involved. We reproduce below the testimony of witnesses who have been the victims of police outrages or who have witnessed such outrages.

WITNESS NO. 1.

My name is . . . In 1933, when I was Head Constable, two prostitutes from Calcutta, who came to Dhenkanal, were taken to the police station, and afterwards 50 police servants one after another raped them in the presence of the Ruling Chief and the Pattayet. I was present . . . . . I was asked to rape them, but I refused, and was driven out from the palace. The women were lying naked, helpless, and senseless when this act was being done. This operation lasted for two days . . . (The witness then proceeded to describe other evils existing in the State).

WITNESS NO. 5.

Once again in the month of Magh last I was sent for by Sreedhar Mangraj, to the school compound. I was summoned on the pretext that I was selling *pan* without license. I never sell *pan*. Then they treated me in a way which I blush to narrate. It was so immodest. *Such occurrences are quite common in our village. Women are taken to particular places on false charges and are made naked. God only knows our woes.*

WITNESS NO. 6.

I am the wife of . . . . . of Dhenkanal. My name is . . . . Fifteen days ago some forty women including myself went to fetch fuel from the forest. While returning with head-loads of fuel from the forest, one Notober Sahu, Forest Guard met us and scolded us and threatened that he would make us naked and lay us on the ground, if we once more carried fuel from the forest. We have never been to the forest again out of fear of being molested.

WITNESS NO. 42 and her husband.

"My name is . . . wife of . . . My age is 24 years. Four years ago there was a case of theft in our village. The S.I. of Motanga Thana, Nandaram Singh suspected my husband to be the culprit, took him to the Thana and beat him for three days . . . After three days I was sent for . . . I fell at his feet and pleaded with him, "why do you harrass my husband like this?" But I was kicked there, and was taken along with my husband to a *nulla* near a mango tope where I was stripped naked, laid flat on my back, two men holding my head down and two holding my feet. The four men who held me down and outraged my modesty were Baluto Naik, Brahma Naik, Marda Naik and another. I was in the ninth month of pregnancy. There were some twenty-five Chowkidars present there. At this my husband was forced to admit the alleged offence."

Torture is freely used to extort confessions.

**Palace and the People.** We draw attention to one matter which has become a public scandal in Dhenkanal *viz.*, the life in the palace. We do not propose to discuss the private life of the Ruler. But the Ruler of a State wields enormous power over his subjects, and when he abuses his power to satisfy his immoral cravings, the matter ceases to be one relating to the "private life of Ruler." We have evidence that inside Dhenkanal palace *orgies* have taken place of the most revolting type. We have evidence of women having been taken to the palace by force, having been raped by men in batches, and having been made to perform naked dances with naked men in the presence of spectators. The Ruler has been present at these *orgies*. It is to satisfy his perverted sense of pleasure that they are arranged. He has even asked his officials to join the public rapings, and if any one of them refused, he has taken offence at the refusal. In this connection a disgusting act of shame and sorrow narrated by a young and helpless Brahmin widow may be read from the Appendix.

It is impossible to believe that the Political Depart-

ment should not be aware of all these happenings which have scandalised all Orissa. But it has not made any attempt to ensure that the honour and chastity of women should be safe from the clutches of a debauched Ruler. We know from recent history that this is not the only instance where the Political Department has tolerated such shameful outrages where the culprit has been a "loyal" Ruler. It is shocking to find the Political Department sunk so low in its anxiety to safeguard imperial interests that it is prepared to wink at outrages on women in return for the "loyalty" of the Ruler. In view of the fact that the Government protects the Ruler against rebellion, its failure to fulfil its corresponding duty to protect the subjects from such outrages is deplorable.

While the report was in progress, serious disturbances took place in the State, to suppress which the services of British troops were requisitioned and a reign of terror ensued for about eight months. Firing was resorted to seven times and dozens of men and boys were killed and injured. There was firing even at dead of night. Instances of looting villages and raping by the State police while the military surrounded the villages are many, and the history of this period of repression in Dhenkanal will ever remain one of the blackest chapters in the annals of British rule in India. The significant fact is that all these works of repression and terror were committed under the nose of the Political Agent who was then camping there. Commenting on this state of affairs, Mahatma Gandhi wrote in the "Harijan," dated the 3rd December, 1938 :—

" . . . . . . . Even as the British Government, as the Paramount Power, are bound to protect the Princes against harm from outside or within, they are equally or *a fortiori* bound to ensure just rule on the part of the Princes. Hence it is their bounden duty, when they supply the police or the military to any State, to see that there is a proper emergency justyfying the request and that the military or the police will be used with becoming restraint. From Dhenkanal have come to me stories of fiendish cruelty exercised by the State myrmid-

ons under the shadow of the police supplied by the Paramount Power. I asked for evidence in support of some of the unnameable cruelties. And I have enough to inspire belief. . . . . "

In the meantime, the Ruler has granted certain concessions and dismissed certain officials against whom serious charges have been brought since 1931. In view of the loss of so many lives, of so much property, and above all, of the honour of women, it is futile to expect that these minor concessions and the much-delayed dismissals of a few servants will have any soothing effect on the people.

## NILGIRI STATE.

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Area—284 sq. miles.

Population—68,598.

Income—Rs. 1,73,000.

Geographical position—Adjacent to the District of Balasore.

1. **Rule of Law.** The evidence before the Committee shows that there is virtually no rule of law. There appears to be no law for the realisation of cesses and fees. Some of the fees collected are said to go to the private treasury of the Raja and are not credited to the State Treasury. The following fees and income are instances on the point—

1. The license fees of the coup forests.

2. The *salamis* paid at the rate of Rs. 17 per acre on sales of land and Rs. 10 per acre on mortgages.

3. The income derived from the sale of elephants caught in Kheda operation and of their tusks. (The Committee possesses documentary evidence to show that the sale proceeds of all the elephants and tusks have not been credited to the State Treasury.)

4. Fines realised from those who are held guilty of infringement of caste-rules as interpreted by the Raja or his authorised agents.

5. Money paid by the Government of India towards match excise duty and the excess on opium price in 1935-36.

6. Cattle department is maintained by the forest department and sometimes from the savings of other departments; but the sale proceeds are credited to the private treasury.

7. The sale proceeds of the paddy from Ambhat's granary. In the absence of any specific laws for the realisation of fines and fees, it is quite likely that people are compelled to offer illegal gratification to the subordinates who have an approach to the Raja in order to have his order communicated or reversed. Definite allegations have been made by respectable witnesses who appeared before the Committee that large sums are paid as bribes to certain officers who are empowered to place before the Chief for his orders applications for sale or mortgage of land, or for the matter of that, any application which is disposed of by the Raja himself.

Besides, those laws and regulations which are published and are supposed to govern the State are not within easy reach of the people. Sometimes petty criminal cases or civil suits involving Rs. 10 or Rs. 25 drag on for a year or two. There appears to be no easy scope for appeals against the orders of the Lower Court. The parties have to spend at least Rs. 20 for the copies of the judgments of the Lower Courts.

Till recently, there was no system of engaging lawyers in the State Courts. Some people have now been granted licences to practice as lawyers. They do not have the requisite qualifications of lawyers.

Lawyers from outside are allowed at the discretion of the trying Court.

The judiciary is not independent. The parties always apprehend foul play. Evidence is not properly recorded in cases in which the private income of the Raja is concerned.

The head of the executive is also the head of the judiciary. So there is no guarantee against interference by the executive in judicial affairs. Sabiri Bewa has given evidence to show that her husband was actually beaten to death by a certain police officer, but she could not secure justice anywhere, although she had complained to the Dewan, the Chief and the Political Agent.

**Civil Liberties:**—A vernacular weekly named "Krusak" published from Cuttack has been banned recently.

**Public Meetings and Associations:**—Public meetings and associations are forbidden by recent special regulations. In 1932, a meeting was held in the village Ayodhya to form an association named "Yubak Sabha Samiti" with the object of carrying on constructive activities. On receiving information of this meeting, the Inspector of Police with a posse of police constables and Chowkidars came to the village and sent for those who organised the meeting. They were asked to explain why they had organised the meeting. No explanation was considered satisfactory and the Police Officers summarily ordered punishment. One, Pranbandhu Agasti was severely beaten and a bamboo *gaj* was put into his mouth. Others were handcuffed in pairs and paraded in this condition throught the village. In the end, Pranbandhu Agasti and Balram Raj who were suspected to be the leaders were stripped naked publicly, and their private parts were rubbed with nettle leaves. Thus ended the first attempt of the people to organise themselves. But the youths of that village continued to hold their meeting on the 2nd of May every year, the date on which the above incident took place. In 1937, on the 2nd of May, after the usual annual meeting a cosmopolitan dinner was held in which the Harijans also took part. This gave a handle to the authorities who at once served notices on some persons to show cause why they should not be punished for the infringement of caste-rules having dined in the same row with the untouchables. To this charge the youngmen of Ayodhya pleaded guilty and invited punishment.

**Security of Property.**—Sree Kailash Chandra Mohanty is a pleader of Balasore having considerable landed property in Niligiri. He pays about Rs. 150 annually as land rent to the Nilgiri State. About five years ago, on account of his continued illness, he could not pay the rent of a certain holding in his village

amounting to about Rs. 28. For this arrear, his land worth about Rs. 3,000 was sold in auction for Rs. 34. Even the amount of excess was not refunded to him. Kailash Babu preferred an appeal to the Raja and to the Political Agent. It is said, that the sale of Kailash Babu's land was held to be illegal and irregular, but no redress could be granted as he was considered to be an undesirable person.

**Personal Liberty:**—Sree Brahmananda Das, a respectable citizen of Balasore, brother of Sree Surendra Nath Das, President of the District Congress Committee, Balasore, has deposed before the Committee that on 14th June, 1938, he went to a village in Nilgiri on some private errand. On his way back he was arrested and taken to the police station. He was abused, his person was searched and he was humiliated in various other ways. He was let off only when his identity became known to the Police Officer. This was published in the newspapers at that time.

Some aborigines also appeared before the Committee to say that they were sometimes dragged to the Thana and asked to pay fines and were detained till the payment was made.

Personal liberty of women appears to be particularly in danger. The statement of an unfortunate girl narrating her woes which is published herewith as Exhibit "C" tells its own tale. Here is another sad story:—

Phulkumari, the wife of one, D. P. Bhagat, Manager, King Cycle Mart, Ranchi, accompanied the Rani to Nilgiri. Mr. Bhagat demanded his wife back. In reply to this demand Babu Krishna Chandra Ghose, Dewan of Nilgiri, wrote in his letter No. 509, dated the 30th August, 1937:—

"Your wife Phulkumari is not detained here by anybody. She herself is unwilling to go to your place."

Again the Dewan writes in his letter No. 530, dated the 7th September, 1937, to Mr. Bhagat in reply to his further entreaty for the return of his wife :—

"The contents of the letter were duly communicated to your wife, Phulkumari, who was unwilling to go, but she was given to understand that she could go with the Thakurgaon relation of His Highness the Raja Sahib after his Highness the Raja Sahib's return from tour."

This letter is dated the 7th September, 1937. But, on the 8th of September, 1937, the Dewan writes to Mr. Bhagat in letter No. 533, dated the 8th September, 1837 :—

"I am extremely sorry to inform you that Phulkumari died in the early hours of the morning of the 8th instant by jumping from the roof of the Rajbati."

Poor Mr. Bhagat received this news on the same day when he got the earlier letter, ran from pillar to post, went to the Political Agent and applied to the Government. But he secured no redress. He wrote to the Dewan to supply him with a copy of the postmortem report. He was asked by the Dewan in his letter No. 50 of the 20th January, 1938, to apply through proper channels. So long as the wife was living, no question of "writing through proper channels" had ever arisen, but immediately on the suspicious death of Phulkumari, the Dewan began to take shelter behind the red tape.

The material in the possession of the Committee in this connection goes to show that Phulkumari met with her unfortunate end under very suspicious circumstances and the mystery behind this tragedy could be unravelled through an impartial judicial investigation; persons in high station of life in Nilgiri would be exposed in their true colours, and the system of administration, as well as the palace life in the State would be revealed in all its ugliness.

**Security of the State Services** :—Babu Purna Chandra Naik, ex-S. I. of Schools in Nilgiri describes how he was often asked to engage the teachers under him in writing out parts of dramas to be distributed amongst the players and how he had to comply with this order. Purna Babu also was asked to be in charge of prostitutes accommodated in the girls' school. By another order he was made to serve as a prompter on the stage for actors. Suffering from illness, he applied for leave. The Dewan asked Purna Babu on 22nd January, 1938, to explain his conduct as to why a certain teacher had not been paid for a certain month by the 28th of January, 1938. But, strangely enough, on the 23rd, five days before the date of submission of the explanation, the Dewan wrote to him intimating to him that the Durbar had been pleased to dispense with his services. Purna Babu was in service for the last 10 years and had tried to pander to every whim of his masters, but that could not save him from being deprived of the job in which he was faithfully discharging his duties. Not a day's notice was considered necessary for taking such a drastic step. Similarly, Sadhu Prasad Vidyadhar Mohapatra and Suresh Ch. Chaudhury who are hereditary *Sarbarakars* of the State for generations past have been dismissed on suspicion of having attended a public meeting.

**State Interference in Social Matters** :—The Raja takes up the role of the custodian of public morals and religion. The income derived from the fines imposed for the infringement of caste rules and restrictions goes to the Raja's private purse. He also appoints the headmen of the castes. The priests, barbers and washermen have to act according to the orderes of the Raja in serving their customers. We may notice below some of the Raja's functions in social matters :—

1. In certain castes widow remarriage is permissible. This is called "Bala". Permission of the Raja is necessary for this. He charges a fee of Rs. 20 to Rs. 25 for according this necessary permission.

2. Intercourse with lower caste women is a source of large income to the Raja. Offenders against this restriction were made to pay fines up to Rs. 500. Gotrachhed (giving up gotra) must be done in a prescribed form for which a fee of Rs. 20 is charged.

4. Interdining is considered to be a great offence. The Raja takes serious notice of this.

**Illegal Dues Services**:—As it appears, no one can say with certainty which dues are legal and which are not, since there is no published literature available on the subject. No proper procedure is followed when any new tax is levied. The will of the Raja is law.

**Bethi.**—Forced labour is realised from the people, generally without any payment or remuneration and on special occasions with a paltry payment of 2 to 6 pice per day to each labourer on pain of severe punishment:—

1. Shikar, 2. Kheda, 3. Shikar roads, 4. Carrying wood, coal and straw for the palace, 5. Attending to special work on festivals, 6. Attending to the tours of the officials. 7. Carrying luggage of the officers, 8. Extinguishing fire in the woods, 9. Clearing the aeroplane ground.

Notices were served on Raghu Naik and several others on the 23rd December, 1937, to show cause why they did not attend the Shikar. Kandarp Naik and many others were asked to show cause why they declined to carry fuel to the palace. Woeful stories of hardships undergone by hundreds of men attending Kheda excursions on *bheti* on account of want of drinking water and food, were narrated before this Committee. Rama Chandra Sinha of village Nanihapur, Nilgiri State, stated that he attended the Shikar party on *bethi* on the last occasion when he could not get water to quench his thirst. So he had to drink the juice of Sal leaves and young Sal plants. People are

not only fined for failure to work on *bethi*, they are also abused and in some cases physically taken away by force.

Rasad:—Along with *bethi*, *rasad* also plays its part of oppression. The rigours of *rasad* which means forced supply of articles demanded by the Raja or his officers have been reduced after the agitation of 1928.

*Sarbarakars* have been fined on various occasions for failing to supply *rasad* to Raja's Camp. It is surprising that things which are not available in the locality are also expected to be supplied. Fruits, sweetmeats, Soda, Lemonade, No. 555 cigarettes, foreign liquor and foreign food articles are also requisitioned. The unfortunate people have to supply them after indenting them from Balasore or even Calcutta. No money is paid for these articles. Besides the above, he-goats, fowls, milch cows, are also supplied free of cost.

Magan:—*Magan* is collected on the following occasions at the rate of annas 8 to annas 12 per rupee of rent.

1. Raja's marriage, (2) Marriage ceremony of any of the sisters or near relative of the Raja. (3) Sacred Thread ceremony.

On the last occasion of the marriage of the sister of the Raja, a *magan* at the rate of 8 annas per rupee of rent was levied. It was subsequently reduced to two annas per rupee after intense agitation by the people.

Suniya Bheti:—*Suniya bheti* is required to be presented on *suniya* and installation day ceremonies. The officers pay 10 per cent of their salaries and gentlemen and *lakhrajdars* pay one rupee each. The *sarbarakars* are bound to pay 6 pice per rupee of collections of land rent. The collection fee has now been abolished.

All the officers, *sarbarakars*, gentlemen, *lakhrajdars*, *purohits* and distant relatives of the Raj family present *bheti*.

There is a *puncha* system which means people must supply fuel and straw for use in the palace at nominal price.

Jail :—As regards the administration of jails, the Committee has received the evidence of three political prisoners who were kept as under-trials in the Nilgiri Jail in the course of the present agitation. They say that the diet given to the prisoners was far from satisfactory. Even the undertrial prisoners were forced to work and sometimes they were kept in fetters.

**Forest Rights** :—A cess is collected as wood cess at the following rate for the exercise of a few of the elementary forest rights. One anna per '*mana*' of Rayat land and 6 pice per '*mana*' of *lakhraj* land (one *mana* equals 62½ decimals of an acre).

In return for this cess, people have the privilege of cutting trees of unreserved species of less than 4 ft. girth for house-building purposes and for fuel. They are entitled to take wood for making ploughs and other accessories of the plough.

This is what the witnesses have narrated regarding the forest hardships :—

"Previously we obtained timbers of unreserved species by paying ¼ of the royalty. We could cut trees as we wished from the *kalabadi* (homestead) land. We could cut trees on *lakhraj* lands without any payment. One compartment in every coup forest used to be granted for the subjects at concession rates. This concession rate varied from Re. 0-2-6 to Re. 0-2-0 while the royalty for 2 maunds of wood was annas 4. *Char* and *mahula* (sweet forest fruits) are not reserved and generally they waste away as the branches are regularly used as the food for the domesticated elephants. Many *khair* forests were reserved for using reserved wood.

We enjoyed fruits such as mango, tamarind, *karanja*, etc., from Mahal land. We obtained all kinds of wood free if the house was burnt.

Now all these privileges are withdrawn. The number of reserved species is gradually on the increase.

The forests round about the villages are in most cases reserved and the people are put to much inconvenience in grazing their cattle.

**Land Rights**:—People have tenancy rights over the land they cultivate. But a system of taking permission before sale of land, mortgage and other transfers exists in the State. The prescribed fees for obtaining the permission are as follows:—

| | | |
|---|---|---|
| 1. | On sale by females (widows) | Rs. 15 per 62½ dec. |
| 2. | ,, male Oriya ... | Rs. 10 ,, |
| 3 | ,, male aborigines | Rs. 12 ,, |
| 4. | On mortgage and usufructruary | Rs. 6 ,, |
| 5. | On exchange | Rs. 5 ,, |
| 6. | On wills | Same as sale. |

The original idea behind this permission was that the aborigines might not be dispossessed of their land by more clever Oriyas. But in practice, not in a single case is permission refused and the fees paid do not go to the State accounts. This is a source of private income of the Ruler. It is surprising how this system has been allowed to exist.

The land rent is higher than in neighbouring British district, Balasore, and the fact is not disputed. The present rate of rent in the State is Rs. 2-5-0 on an average.

There is a class of land called *bethia jagir* land which has been assessed very heavily and on an approximate calculation the rate of rent in this case is about three times the rate of rent of similar land. The tenants affected by this high assessment are aborigines who are supposed to be treated generously under the terms of the *Sanad.*

People have no right over trees on their own land.

**Freedom of Trade**:—A system of restriction continues on sale of paddy. There is a licensed godown in the State where people must sell their paddy at the rate dictated by the keeper.

There is a cess on sale of cattle to persons not belonging to the State. This system brings down the prices of the cattle which are very valuable in village economy.

There is a cess on sale of fruits grown on one's own land such as tamarind.

There is a cess on the Dom caste for purchasing bamboos from outside the State to carry on their home industry.

There is a tax on carts at the rate of Rs. 5 per cart.

*Handia* is a sort of food for the aboriginal population but it is an excisable article. People do not obect to levying a tax on sale of *hardia* but the aborigines very strongly object to the levy on *handia* prepared at home for home consumption. Since the tax is not aimed at bringing about prohibition, and it is simply to make an income out of one of the necessaries of the aboriginal life as it stands to-day, the resentment against the tax on *handia* prepared for home consumption has gained volume.

**State Budget**:—The figures that have been supplied to the Committee indicate that out of Rs. 1,50,000 which is the real approximate income of the State, although sametimes a higher figure is shown, about Rs. 50,000 is set apart for the Ruler's own expenses. The fact that one-third of the income of the State is spent on 'domestic charges' is astounding indeed. Over and above this huge amount for domestic charges, large sums of money spent under some other heads, are really domestic expenses, as for example, the electric expenses of the palace have been shown under the head Public Works Department.

Some favourite attendants of the Ruler have been included in the police staff, though the former have nothing to do with the latter. The money spent on 'receiving guests' is really the Ruler's concern, although it is shown under another head. Instances of this nature can be multiplied.

**Declaration of the Rules** :—After the enquiry was over and before the report was written, a popular movement was started in the State for the redress of grievances. Representations and memorials were sent, both to the Ruler and to the Political Department. Having failed there, people took to non-violent struggle and first defied the regulations, banning meetings and processions. This was the first State in Orissa where time spirit manifested itself in a serious form. The struggle gradually gained volume and at last a settlement was arrived at between the *Praja Mandal* people and the Durbar. As a result of this settlement the following concessions were granted.

1. Recognition of the *Praja mandal* and grant of right to hold meetings and organise processions.
2. Reduction of the rate of interest for arrears of rent.
3. Grant of right over trees on one's own land.
4. Concessions in forests.
5. Abolition of the fees on sale of fruits of trees on one's own land.
6. Abolition of the tax on the Dom caste.
7. Abolition of *rasad*.
8. Abolition of the system of supplying straw and fuel to the palace at nominal price.
9. Abolition of duty on sale and export of agricultural produce.

10. Promise to codify the State laws.

11. Abolition of the tax on sale of cattle.

12. Abolition of the tax on *handia* prepared for home consumption.

13. Abolition of the system of taking permission before transfer of land except in the case of aborigines intending to transfer their land to non-aborigines, in which case, too, there shall be no fees.

14. The rent of *bethia jagir* land is reduced by 25% and the land should be settled with the holder at the normal village rate on payment of *salami* at prevailing rates.

15. State machinery shall not be used in social matters.

16. Wild animals except elephant damaging the crops may be killed.

17. Compulsory labour is abolished.

18. *Magan* is abolished.

These concessions have satisfied the people for the present. But the complaint, that the income of the State is not spent for the people as desired by them, still persists. The *Praja Mandal* has been insisting upon the fact that the State budget is not properly prepared and often expenditure incurred on Ruler's personal account is shown under other heads and the entire income of the State is not shown in the budget. It is very natural that the awakened public will question these things more and more as the time goes on.

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## TALCHER STATE.

Area—399 sq. miles.
Population—69,702.
Income—Rs. 2,94,000.
Geographical situation—Adjacent to Angul of Cuttack District.

Talcher is one of the States in India which have been brought into limelight by a strong popular movement against existing grievances, and it is necessary to describe its conditions at some length to enable the public to form an idea of the situation. Fortunately, the Committee was able to secure documentary evidence of unimpeachable character on many points. People of all classes gave their evidence before the Committee and were cross-examined at length.

**Is there a Rule of Law in the State?** The personnel of administration in the State is as follows:—

1. The Ruler—The head of the State.
2. Jubaraj, the eldest son of the Ruler—The Sessions Judge.
3. Pattayet Sahib, the youngest son of the Ruler—The State Magistrate, and the Controlling Officer of all departments and Revenue Officer.
4. Brother of the Ruler—Assistant Revenue Officer.
5. Two other brothers of the Ruler—Tahsildars.
6. Another brother of the Ruler—Chief Police Officer.
7. Another brother of the Ruler—Excise Officer.
8. Another brother of the Ruler—Forest Officer.

As regards the qualifications of the Magistrates and other officers, the evidence is, that the Jubaraj Sahib, the Sessions Judge, is an undergraduate, the Pattayet Sahib, the Magistrate and the Controlling Officer of all Departments, is an under-matric, while the others have hardly been educated up to the Middle English standard. It is not difficult to imagine how the laws must be interpreted and administered by officials with such qualifications. In inquiry proceedings, beating is the frequent practice to extort confessions. The officials also make use of it to get things done. The evidence before the Committee reveals that the Ruler has a band of Doms (belonging to the depressed class) in his employment and their job is to "beat up" people who are found to be "difficult." Spitting on a man's face is another common method of applying third degree.

In the course of the recent movement, instances of persons being branded with hot iron, were brought to the notice of the Committee. The following are the names of some of the victims.

1. Daini Pradhan of village Badagundiri.

2. Chandra Sahoo of village Jarada.

3. Mona Padhan of village Jarada.

About 27 persons were branded on the buttocks, and many others were branded on the arm as "*nimak haram*" meaning "one untrue to his salt," for their having taken part in the popular movement.

The Rules and Regulations of the State are supposed to be compiled in a book called the Talcher State Manual. But the Rules and Regulations given in the Manual bear no relation to the practice of the State and its officials. Marriage fees, religious fees, unpaid forced labour are not mentioned in the Manual. Many taxes which the people are compelled to pay are not mentioned. The State Manual is not a real Code of

Laws but a "Show Book" for the benefit of the Political Department.

There is no Rule of Law in Talcher. There is no freedom of speech or of association. The representation of grievances is considered seditious. Purandar Pani, Banamali Paramaguru and some others were fined in 1912 under Sec. 124 A.I.P., for petitioning the Political Agent against the Ruler and probably against the taxation policy of the State. Sadanand Padhan and others had to furnish security for good conduct, their offence being that they had protested against *Bethi* (forced labour) and taxation. In 1931, Chhyyal Singh, Brindaban Pradhan, Anadi Sahu and others were ordered to furnish bonds of good behaviour for having protested against certain features of the administration. Punitive police were posted in their village for one year on the suspicion that the villagers were holding meetings.

In 1925, the people of Talcher belonging to the *Chasa* class formed an Association, and called it "Sobhagya Samiti" after the name of the son of Jubaraj. The object of this Association was to bring about certain social reforms in the community and spread English education amongst them. Their association was banned. Those who were in the service of the State and took part in the Association were suspended. The funds of the Association, about Rs. 1,000 were confiscated. The organisers of the Association appealed to the Ruler (who was the President of the Association) but the Association was not allowed to function.

**Interference in Social Matters.**—There is no freedom even in social affairs. No marriage or death ceremony can be performed or caste meeting held without the permission of the authorities of the State. This permission is not granted as a matter of form. Sometimes permission is refused. A fee is charged according to the following schedule:—

1. Marriage fees (bride, 6 annas; bridegroom, 8 annas).

2. Remarriage fees (bride, 4 annas; bridegroom, 6 annas).

3. Widow remarriage fees (bride, Rs. 2-8-0; bridegroom, Rs. 3/-).

4. Child marriage, permission fee, Re. 0-5-6.

5. Thread ceremony fees, Re. 0-2-0.

6. Death ceremony fees (Sradh), 4 annas.

7. Atonement fee for the death of a cow, Rs. 5/-

8. For having bad wounds on the body (Kita Pattan), Rs. 3-8-0

Original receipts granted for payment of these fees have been filed before the Committee.

There is an ecclesiastical court, with a Panchayat under its control, to enforce the caste rules which have become obsolete in other parts of the country and which are disliked even by the people in Talcher. The Ruler or his sons themselves never observe the rules for breach of which people are fined and harassed. The purpose of this interference in social matters is to provide large personal income for the Ruler. One serious effect of this interference has been that no social reform has been possible in the State.

**Taxation**:- The Committee have compared the land rent in Talcher with that in Angul. The assessment in Talcher is much higher. The comparative figures are given below :—

## ANGUL.

| Class of land | | | | 1st class village | | | 2nd class village | | | 3rd class village | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Saradh | | I | ... | 2 | 11 | 9 | 2 | 9 | 8 | 2 | 5 | 6 |
| Do | | II | ... | 1 | 13 | 2 | 1 | 11 | 1 | 1 | 9 | 0 |
| Do | | III | ... | 0 | 14 | 7 | 0 | 12 | 6 | 0 | 12 | 6 |
| Harafasal | | | ... | 1 | 13 | 2 | 1 | 11 | 1 | 1 | 9 | 0 |
| Chandana | | | ... | 1 | 13 | 2 | 1 | 11 | 1 | 1 | 9 | 0 |
| Bajefasal | | | ... | 0 | 12 | 6 | 0 | 12 | 6 | 0 | 12 | 6 |
| Bagayat | | | ... | 0 | 6 | 3 | 0 | 6 | 3 | 0 | 6 | 3 |
| Toila | | I | ... | 0 | 6 | 3 | 0 | 6 | 3 | 0 | 6 | 3 |
| Do | | II | ... | 0 | 2 | 1 | 0 | 2 | 1 | 0 | 2 | 1 |
| Bazar and town area | | I | ... | 100 | 0 | 0 | | | | | | |
| Do | do | II | ... | 50 | 0 | 0 | | | | | | |
| Do | do | III | ... | 30 | 0 | 0 | | | | | | |
| Do | do | IV | ... | 20 | 0 | 0 | | | | | | |
| Do | do | V | ... | 10 | 0 | 0 | | | | | | |

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# TALCHER.

| Name of land | 1st class village | | | 2nd class village | | | 3rd class village | | | 4th class village | | | 5th class village | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Saradh Special... | 3 | 4 | 1 | 3 | 4 | 1 | 3 | 4 | 1 | | | | | | |
| Saradh I... | 2 | 15 | 11 | 1 | 15 | 11 | 2 | 7 | 7 | 2 | 1 | 4 | 1 | 9 | 0 |
| Do II... | 1 | 7 | 7 | 2 | 1 | 4 | 1 | 6 | 11 | 1 | 6 | 11 | 1 | 2 | 9 |
| Do III... | 1 | 6 | 11 | 1 | 6 | 11 | 0 | 14 | 7 | 0 | 14 | 7 | 0 | 10 | 5 |
| Inferior Do... | 0 | 10 | 5 | 0 | 10 | 5 | 0 | 10 | 5 | 0 | 10 | 5 | | | |
| Sugar-cane I... | 6 | 6 | 1 | 6 | 6 | 1 | 6 | 6 | 1 | 6 | 6 | 1 | 6 | 6 | 1 |
| Do II... | 4 | 13 | 1 | 4 | 13 | 1 | 4 | 13 | 1 | 4 | 13 | 1 | 4 | 13 | 1 |
| Homestead I... | 10 | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 0 |
| Do II... | 5 | 0 | 0 | 5 | 0 | 0 | 5 | 0 | 0 | 5 | 0 | 0 | 5 | 0 | 0 |
| Do III... | 2 | 8 | 0 | 2 | 8 | 0 | 2 | 8 | 0 | 2 | 8 | 0 | 2 | 8 | 0 |
| Toila | 0 | 6 | 3 | 0 | 6 | 3 | 0 | 6 | 3 | 0 | 6 | 3 | 0 | 6 | 3 |
| Banda | 0 | 6 | 3 | 0 | 6 | 3 | 0 | 6 | 3 | 0 | 6 | 3 | 0 | 6 | 3 |
| Bhagayat ... | 0 | 6 | 3 | 0 | 6 | 3 | 0 | 6 | 3 | 0 | 6 | 3 | 0 | 6 | 3 |
| Laik patit ... | 0 | 2 | 1 | 0 | 2 | 1 | 0 | 2 | 1 | 0 | 2 | 1 | 0 | 2 | 1 |
| Bajefasali I.. | 2 | 7 | 7 | 2 | 7 | 7 | 1 | 11 | 1 | 1 | 0 | 8 | 1 | 0 | 8 |
| Do II... | 1 | 11 | 1 | 1 | 11 | 1 | 1 | 2 | 9 | 0 | 10 | 5 | 0 | 10 | 5 |
| Do III... | 0 | 14 | 7 | 0 | 14 | 7 | 0 | 10 | 5 | 0 | 6 | 3 | 0 | 6 | 3 |

Besides the land rent there are the following cesses:—

| | Per rupee of rent. Rs. | A. | P. |
|---|---|---|---|
| 1. Miscellaneous cesses | | | |
| (a) On carrying loads outside the State | 0 | 0 | 6 |
| (b) For supplying fuel to the palace .... | 0 | 0 | 3 |
| (c) For thatching Court houses .... | 0 | 0 | 3 |
| (d) For thatching State houses .... | 0 | 1 | 3 |
| (e) For provisions for the Ruler in time | 0 | 1 | 0 |
| (f) For carrying loads | 0 | 0 | 1 |
| (g) Miscellaneous *bethi* .... | 0 | 0 | 2 |
| (h) Ceremonies .... | 0 | 0 | 6 |
| (i) Supplying rice to the palace | 0 | 0 | 6 |
| (j) Timber for Car Festival | 0 | 0 | 6 |
| Total | 0 | 5 | 0 |
| 2. Forest cess .... .... | 0 | 1 | 0 |
| 3. School fees .... .... | 0 | 1 | 0 |
| 4. Chowkidar Tax .... | 0 | 0 | 6 |
| Total | 0 | 7 | 6 |

There is a poll-tax on industrial castes even if the members of these castes do not follow their traditional professions.

Nowhere in the districts of Orissa Province, the amount of cess attached to the land rent is so high as in Talcher.

**Rasad, Magan and Bethi**:—In addition to paying a high land rent and high rates of cesses, the people are compelled to pay other dues in cash or in kind.

**Rasad** *(imprest provisions)*:—Original receipts have been filed before the Committee to prove that people are compelled to supply provisions on the occasions of visits of distinguished guests and also on many other occasions. People are forced even to make money contributions towards *rasad*, and also to supply rice, ghee, etc., on several occasions. Several original notices

signed by the Ruler himself, asking the heads of villages to supply *rasad* on the occasion of the visits of distinguished guests, have been filed before the Committee.

**Magan** *(compulsory contribution)*:—Copies of notices and originals of receipts granted by the State authorities, have been filed to prove that on ceremonial occasions forced contributions have been realised.

During the last 20 years, *magan* has been realised on the following occasions, at the following rates :—

| | | | |
|---|---|---|---|
| 1. | Marriage of the Ruler's daughter | ...8 as. | per Re. of rent |
| 2. | Do of Yubaraj | ...8 as. | do |
| 3. | Thread ceremony of Yubaraj | .. 4 as. | do |
| 4. | Prince of Wales' visit to India | ...3 pies | do |
| 5. | Thread ceremony of the Pattayat Saheb | ...4 as. | do |
| 6. | Marriage of the Pattayat | ...4 as. | do |
| 7. | Death of Ruler's own father | ...2 as. | do |
| 8. | Death of Ruler's own mother | ...2 as. | do |
| | Total | Rs. 2-0-3 | |

We have calculated that the effect of *magan* is to increase the rate of rent by 1½ annas per rupee of annual rent per head.

A comparatively small but interesting matter in this connection may be mentioned here. An "Anathasrama" or orphanage was established in 1936, where preference in admission is given to beautiful young women and the Ruler takes personal care of the inmates. But the entire cost, including the marriage expenses of the girls, is raised from people who pay nine pies per rupee of the annual rent for this purpose. An original receipt has been filed to prove this.

**Bethi** *(unpaid forced labour)*:—*Bethi*, or unpaid forced labour, has been declared to have been abolished

since 1912. In lieu of certain unpaid work mentioned under 'taxaton' a miscellaneous cess of 5 annas per rupee of annual rent has been levied since then. But *bethi* still continues in practice, and also the cesses are paid. Besides the work carried on by the miscellaneous cess, many other types of work are done by *bethi*. Documentary evidence in possession of the Committee, *e.g.*, original notices signed by the Pattayat Saheb, the Magistrate, proved that forced labour is resorted to regularly for various kinds of work, such as repairing temples, constructing compound walls, bungalows, playgrounds, elephant stockades, Rajkumar houses, and for repairing roads. With regard to the repairing of roads, we would like to point out that it is mentioned clearly in the land settlement papers that main roads and bridges would be repaired by the P.W.D. of the State, but in spite of this, all the roads are repaired by forced labour, and even the Durbar has been compelled to admit this. It would be interesting to investigate how the money provided in the budget under the head, P.W.D. has been spent, since it is admitted that the roads are repaired by forced labour. But this is beyond the jurisdiction of this Committee.

Forced labour is realised extensively in Shikar (hunts) and Khedas (capture of elephants). Hundreds of people are forced to attend these excursions without payment. The labourer has to bring his own food. A few years ago the Ruler decided to catch elephants in the Estate of Sukinda in British Orissa and to sell them at a profit. Hundreds of people from Talcher were forcibly employed in this Kheda in Sukinda and many lost their lives there. The employment of forced labour in Shikar and Kheda has been admitted by the Durbar.

As *bethi* is levied during sowing or harvesting season, it is a very oppressive form of taxation. Not only are the peasants paid nothing for their labour but they also pay for their own ration, and their cultivation suffers. Although British Government have signed the Geneva Convention abolishing forced labour, it still continues ruthlessly as before with the full knowledge of the Political Department.

**Monopolies**:—A system of monopoly exists in the State with regard to the sale of salt, kerosine, and other necessaries of life. As a result of this monopoly the prices in the State are higher than elsewhere. We give below a comparative table of prices.

| Article. | Price in Talcher. | Price in Angul, adjoining district in Orissa Province. |
|---|---|---|
| Salt | Rs. 0-1-9 per seer | Rs. 0-1-3 per seer |
| Kerosine | Rs. 4-8-0 per tin | Rs. 3-12-0 per tin |
| Betel leaf | Rs. 0-2-6 per 50 leaves | Rs. 0-1-6 per 50 leaves |

and so on.

There is also an export duty on agricultural produce. The rate of duty is Re. 1 per each bag of rice exported.

**Rights of the People**:—The peasant pays a high land rent and many taxes, but he has absolutely no right over the land which has been reclaimed by his ancestors and tilled by his family for generations. There are instances where valuable land which was in the possession of the cultivator for years has been confiscated by the State on the ground of non-payment of rent. Originals of such orders of confiscation signed by the Ruler himself have been filed before the Committee.

**Public Utility Services and Nation-Building Department**:—There is one H. E. School, one Sanskrit Tol, 9 U. P. Schools and 150 L. P. Schools. The income derived from the school cess is more than the expenditure incurred on these schools. The school houses are repaired by the forced labour of the people.

There is only one hospital situated in the town of Talcher. There is no provision for sanitary measures during epidemics.

Since 1912 many citizens of Talcher have agitated against the un-economic taxation, forced labour and other oppressions. They have approached the Ruler and the

Political Agent, the latter invariably sending back the representation to the Ruler. The result on each occasion has been the severe punishment of those who had dared to make the representation.

In 1938, people of Talcher represented to the Ruler for the redress of their grievances specially against high taxation which had reduced them to absolute poverty. In stead of even considering the representation, the Durbar declared unlawful the people's organisation and promulgated repressive laws. But undaunted by this repressive measures, people started Satyagraha ultimately. To suppress this non-violent movement, all sorts of repression were resorted to. Those who courted imprisonment by defying the order banning processions and meetings were severely beaten in the jails. Some of them were branded on the fore-arm as *nimak haram*. On refusing to render *bethi*, people were beaten very severely and in some cases their houses were burnt. Firing was opened on one occasion resulting in two deaths. The situation in the State was intolerable inasmuch as there was no scope even for any strictly non-violent movement. Repeated representations produced nothing and in the absence of any rule of law, no scope was left for any non-violent movement. The alternative that was left to the people was armed rebellion which might have been thought of, had not the British troops been kept ready to assist the Ruler whenever he required. In this terribly helpless condition thousands of people left their hearth and home and came away to Angul, in the administrative province of Orissa. These helpless people took shelter in improvised huts in the forests of Angul and braved the weather, hunger and all sorts of hardships. The Orissa Government made arrangements for medical aid in the refugees' camp and the Marwari Relief Society of Calcutta assisted by Sree Jugal Kishore Birla and the Gandhi Seva Sangha started relief work. The courage and patience that the people of Talcher have shown are unprecedented in the history of any non-violent struggle in India. Mahatma Gandhi wrote the following on two occasions regarding Talcher:—

**Harijan**, April, 22, 1939:—"The reader will recall

the twenty to twenty-five thousand refugees of Talcher State in Orissa. They are living under great difficulties in the forests of Angul in British Orissa. I rely upon these figures because they are vouched for by Thakkar Bappa and Sri Harikrishna Mahtab. Both of them have a reputation to lose. Moreover, Thakkar Bappa is purely a humanitarian and social reformer of long standing. He does not dabble in politics.

Only a few days ago it was announced in the press that a settlement had been arrived at and that the refugees were about to return to their homes. This news was immediately contradicted and it was stated that the Raja of Talcher had refused to honour the pact entered into by Major Hennessey, Assistant Political Agent for Orissa States, North.

This was the pact signed on 21st March, last :—

"1. Reduction of the miscellaneous cess from 5 annas per rupee of rent, and an undertaking that after the settlement to be started about next November, the combined rent and cesses will not be higher than the Angul rent and cesses with the same classes of land.

2. The abolition of monopolies on the necessaries of life except hides, skins, horns, ganja, opium, bhang and liquors.

3. State administrative machinery should not be used for enforcing fines, etc., levied by Ecclesiastical Courts and Panchayats.

4. Compulsory labour (*bethi*) should be abolished except when necessary for public purposes and then on payment of wages at ordinary rates.

5. The abolition of special taxes (*poll-tax*) on industrial castes.

6. There should be no victimization of refugees on their return to the State.

7. Constitutional Reforms enabling the people to participate in the administration through their representatives would be introduced as soon as the schemes are approved by the Political Department.

8. There shall be no interference with freedom of speech and meeting provided that there is nothing subversive or disloyal to the Ruler or his administration in those speeches or meetings.

9. People should be allowed to kill wild animals in the State on their own property without any penalties or fees."

There were present at the time Major Hennessey, F.R.S.A., I.A., Bar-at-Law, Major Gregory of the Military Intelligence Department, Sree Harekrishna Mahtab, Adjutant Woods of the Salvation Army, and the Revenue Commissioner representing the Orissa Government.

Major Hennessey, I understand from Thakkar Bappa, was quite confident that he had the authority of the Raja of Talcher to sign the pact. How the Raja can now refuse to endorse it, is difficult to understand.

But the mystery deepens when one recalls the terms of the Sanad under which the Raja holds Talcher. Here are the relevant clauses of the Sanad issued to the small Orissa States by the present Viceroy on 26th February, 1937:—

3. "That you shall do your utmost to suppress crime of all kinds in your State.

4. That you shall administer justice fairly and impartially to all alike.

5. That you shall recognize and maintain the rights of all your people and on no account oppress, or suffer them in any way to be oppressed, and that, in particular, you shall charge yourself personally with the welfare of the aboriginal population of your State.

6. That you shall act in accordance with such advice as may be given to you by the Agent to the Governor-General, Eastern States, or such other Political Officer as may be vested with authority in this behalf by H.E. the Viceroy."

Under clause 6 of the Sanad, the Raja is bound to act in accordance with such advice as may be given to him "by the Agent to the Governor-General, Eastern States, or such other Political Officer as may be vested with authority in this behalf by H.E. the Viceroy."

The Raja has therefore no option but to carry out the wishes of the Assistant Political Agent. The question is, why there all this delay in carrying out the Pact? The interests of over 20,000 refugees living on sparse food and practically without shelter are at stake. Delay is not only dangerous, it is "Criminal."

**Harijan,** May 20, 1939.—"Talcher promises to be much worse than Rajkot. In Rajkot it was the Ruler's word that was broken. In Talcher it is the Paramount Power's. In Rajkot the State atrocities were not the subjects of scrutiny. In Talcher the sorry condition of the numerous refugees is almost everything. Hence delay is criminal and may mean loss of one year's crop to several thousand cultivators. The other relief promised by the Political Agent, Major Hannessey, relates to paltry things so far as the Ruler of Talcher is concerned, but they are serious enough for the people.

It has been whispered to me that I have been guilty of injustice of Major Hannessey and hence to the Paramount Power by attributing to them breach of promise; for, it is said, Major Hannessey promissed nothing, he merely undertook to convey to the Ruler the wishes of the people concerned. It is further said that even if it is proved that he made any such promise he did so without authority.

I cannot admit either of the pleas. Major Hannessey signed the document without any reservations. Sree Harekrishna Mahtab describes the tragedy with a wealth

of detail which compels conviction. He has been an eye-witness of the events narrated by him. So far as I am aware, Major Hannessey himself has never denied or has not been given an opportunity of denying the allegations made about him.

There seems to be no doubt that the Ruler of Talcher is in no mood to do justice to his people unless he is made to according to the Sanad I have already reproduced in these columns. The representative of the Paramount Power can even require the smaller States of Orissa to perform acts in the interest of their people. Can there be any doubt as to the necessity of redressing every one of the injustices mentioned in the memorandum signed by Major Hennessey? Indeed redress has been long overdue. Why is the Ruler being humoured by the Political Department in his wholly indefensible attitude? Why is the welfare of several thousand refugees being lightly regarded? Is not the prestige of the Paramount Power being used to sustain the admitted evils? Surely there is something radically wrong somewhere in all this."

It is significant to note that the Durbar in the beginning began to persuade the public to believe that there was no actual exodus, but he failed in his attempt. The "Statesman" of Calcutta frustrated this attempt of the Ruler by vigorous comments and articles. Miss Agatha Harrison visited the refugee's camps. The fact that while in England efforts were being made to give relief to the Jewish refugees of Germany, here, under the British rule, there should be a problem of refugees, was a little worrying to the British officers. But gradually it seemed that they could make compromise with their conscience. The Assistant Political Agent on behalf of the Paramount Power promised certain concessions to the refugees but subsequently the Political Department did not recognise this promise. It is possible that poor, starving and disarmed people may be tired out and compelled under the circumstances to adjust themselves to the uncivilised rule in the State but this disgraceful affair will go down to history, speaking volumes of the States and British Rule in India.

## NAYAGARH STATE.

Area—590 sq. miles.

Population—1,42,399.

Income—Rs. 3,96,000.

Geographical situation—Adjacent to Khurda Sub-Division of Puri District.

The main occupation of the people of Nayagarh State is agriculture. There are no industries in the State. The chief sources of revenue are land and forest. The cultivators have no proprietary right over their land and the occupancy right cannot be alienated without the permission of the Ruler which can be obtained at a very heavy price as will be evident from the rate of transfer fees fixed by the State which varies from Rs. 90 to Rs. 5 per acre according to the quality and nature of land.

At Balgarh the Committee examined about 80 witnesses hailing from different parts of the Nayagarah State, some of whom had covered a distance of more than 30 miles on foot to place their grievances before us. The questionnaire issued by the Enquiry Committee has been answered item by item by quite a large number of persons from the State. The witnesses have produced some original receipts to prove the existence of different kinds of fees, taxes and exactions.

From the statistics of population and revenue, it will be found that the incidence of taxation *per capita* is about six rupees. The rate of rent on agricultural land is higher in comparison with the neighbouring districts of Ganjam and Puri. For the same class of land for which the peopole of Ganjam have to pay only Re. 1, the tenants of Nayagarah have to pay Rs. 3/14/- including local cess, forest cess, school cess and hospital cess. For the best quality of land the people of Khurda Khasmahal have to pay Rs. 3 per acre while for the

same class of land the Nayagarh tenants have to pay Rs. 3/14/-. But only one-fifth of the land in the State is of the quality of land obtaining in the Khurda Khasmahal. In the Ganjam district the people do not pay rent for homestead lands. In Puri district the rent for homestead land is Rs. 4-6-3 per acre whereas in Nayagarh State they have to pay from Rs. 12 to Rs. 15 per acre of homestead land. Besides this, they have to pay three annas per rupee of rent as local cess, one anna as school and hospital cess and one anna as forest cess.

The forest rules are very strict and oppressive and have, of late, been made more stringent. Previously the peasants enjoyed certain privileges in return for the forest cess which have been drastically curtailed in the recent years. Formerly, they were allowed to get all sorts of wood, bamboos except the costly varieties of *sisu*, *sal*, *piasal* and *bandhan*. But now they are forbidden to cut thirty-two kinds of trees. They have to pay grazing fees whether or not the cattle graze in their villages. The cess is levied on each cow or buffalo. Besides this there is a fee of Re. 0-8-0 per cow, Re. 0-4-0 for calf and one rupee per buffalo for grazing in the reserved forest. Fines for breach of grazing and forest laws are very heavy. The unscrupulous, petty, forest officers and peons often take advantage of these laws to exact illegal gratifications from the people under the threat of prosecuting them for alleged breach of forest grazing rules. The witnesses bitterly camplained of 55 and 70 of the forest rules of the State which relate to restrictions on killing of wild animals that destroy the crops and the cutting of trees from the forest as well as from the holdings of the tenants.

An education cess of six pies in the rupee and a medical cess of the same amount are realised from the subjects which yield an annual income of about Rs. 50,000. The contribution from the State fund towards these two nation-building activities is only about Rs. 10,000. There are only two dispensaries in the State which are quite inadequate to cater to the needs of the people. There is only one Secondary School, two Middle English Schools and 65 Primary Schools in the State.

All the artisan classes such as washermen, blacksmiths, goldsmiths, carpenters and confectioners have to pay a professional tax of rupee one a year.

**Illegal Dues and Services**:—On certain occasions, for example, thread or marriage ceremony of the Ruler, the State levies *magan* or compulsory contribution on the subjects. On the marriage ceremony of the Raja they have to pay a *magan* of annas two per rupee of rent. On the occasion of the Silver Jubilee of the Emperor also they were forced to make a contribution. The payment of *magan* is compulsory and failure to pay is punished with fines. An official list in a printed form of such forced contributions on the occasion of the Raja's marriage was shown to us.

The system of *rasad* or compulsory supply of provisions to the Raja or his officers or guests while on tour was formerly in vogue in the State but it has now been abolished in recent years.

*Sunia* or New Year's Day *bheti* (forced offerings is not realised from the subjects in general but only *Sarbarakars* and *Jagirdars* have to pay it. The tenants have to offer *bethi* on the occasion of the birth day of the Ruler.

*Bethi* or unpaid forced labour was in vogue in the State till 1932 when it was replaced by a *bethi* cess of annas three in the rupee of rent. Since then this *bethi* cess has been renamed "Road Cess" and *bethi* in several forms has again been demanded from the people for which a nominal wage is sometimes paid. The *Sarbarakars* and police officers snatch away a portion of what is paid by the State and only a very meagre portion of the amount goes actually into the hands of the people. They have to carry stones and metals from distant places for construction of roads and bridges. The people are forced without payment to extinguish forest fires and to demarcate their boundaries. In spite of the realisation of the road cess at such a heavy rate, the people are made to work in laying

out new roads and repairing old ones on a nominal cash payment of Rs. 5 to Rs. 8 per mile of road over which they are required to spread one foot deep of metal besides binding and turfing. Even during agricultural operations on their own fields, they are forced to attend to these public duties and failure makes them liable to heavy fines and punishment.

**Interference in Social Matters**:--The Raja controls all caste organisations and heavy *salamies* are exacted for appointment of caste headman and for granting permission for social feastings and processions on the occasion of marriage or death among the subjects. Even for using palanquins, *Sabaries* or country torches (Masals) in the processions, the permission of the State is a pre-requisite for which *salami* is to be paid according to the status and capacity of the applicant. One such receipt dated the 8th March, 1937, under the signature of the Domestic Manager of the State has been filed before the Committee which leads it to believe that these realisations are not credited to the State Treasury but go to the privy purse of the Raja.

The State levies a succession fee from the heirs on the death of the owner of the land. The rules guiding adoption by subjects are very stringent and heavy fees are realised for granting permission to an individual to adopt a son for the continuance of his line.

Realisation of fees for offering worship in the temple seems to be a special feature in Nayagarh State. *Raghunathji*, and *Ladu Baba* are two famous shrines in the State to which large number of worshippers flock from different parts of the State as well as from the neighbouring British districts and other States. One-fourth of the value of the offerings to the deities is realised as fees by the State from the worshippers. Even one who has to offer a cocoanut to the deities has to pay one pice as fee to the *debottor* department of the State.

One of the main grievances of the people is that civil and criminal justice is inordinately delayed and

so in effect is practically denied to them inasmuch as appeals before the Raja against judgments of the Dewan and the Assistant Dewan, remain pending sometimes for over a year. This is due to the frequent absence of the Ruler from the State for major part of the year.

**Monopoly** :—Monopoly license for selling of *pan* has been introduced in the State since 1934. The State derives an income of about Rs 1,000/- from this source. This system has worked as a great hardship on the people. As a result of this system *pan* sells 4 or 5 times dearer than in the neighbouring British areas. Even so the supply is not regular and satisfactory. Last year there was a great agitation in the State for boycotting *pan* and it was very successful. To curb this movement the authorities had to take recourse to false and concocted cases against some of the prime movers of the agitation and some of them were convicted and imprisoned.

There have been several occasions when there was popular rising against these oppressions and exactions. In 1840 during the reign of Raja Braja Ballava Singh there was a popular rising under the leadership of one Udhabha Santara Details of this movement could not be furnished by the witnesses before us but we were told that there was no violence on the popular side.

In 1893 during the time of Raja Ladukishore Singh when the British system of administration was introduced into the State, the newly appointed Dewan Babu Gopal Santara introduced a policy of exploitation and exactions which was greatly resented by the people and in a rising, some oppressive police officers were killed by the people. British troops were immediately requisitioned and they mercilessly massacred hundreds of innocent persons and burnt down several villages. A large number of people were arrested and put into prison and their properties forfeited to the State.

In 1920 as a result of police oppression for exacting bribes from innocent persons on the occasion of

the suicide of a beggar, the people of the locality headed by one Gati Mangaraj sent a telegram to the Political Agent. But, on enquiry by the Superintendent, owing to the manœuvring of the State officials the allegations could not be substantiated and Gati Mangaraj had to undergo rigorous imprisonment for a long period.

In 1927-28, several village forests were turned into reserved ones. This and such other acts of oppression became unbearable to the people. Some persons appealed before the Political Agent for redress. The appeals were not heard. It was considered a crime to appeal collectively and several people were imprisoned for long terms on false charges. The leader, Gati Mangaraj, who had gone to the Political Agent to appeal before him on behalf of the subjects of Nayagarh fasted himself to death at the door of the Political Agent, still no remedy was forthcoming.

In 1931, when *bethi* cess was first introduced into the State, people jointly appealed to the Political Agent but no remedy was granted and the cess was fixed at annas three per rupee of rent. Happily, however, none of the appellants was punished this time.

Two or three years after its introduction, *bethi* cess was converted into the road cess and the people were again called upon to render *bethi* on a nominal payment of 4 to 6 annas for rendering work worth a rupee or more.

While the report was under preparation, a popular movement was started in Nayagarh. In the beginning, repressive measures were taken to suppress the movement but the time spirit was too strong for any repressive measure. So, the Durbar ultimately issued their declaration granting certain concessions. The following are the main concessions granted.

1. Abolition of *bethi* rendered for repairing roads, etc.
2. Grant of partial rights over trees on one's own land.

3. Facility to kill wild animals damaging crops.

4. Abolition of the system of license for cane-crushing machines.

5. Abolition of monopoly over certain articles.

6. Reduction in mutation fees and certain other fees.

These concessions are of minor value and since British troops were supplied by the Paramount Power to some of the Orissa States without any enquiry into popular grievances, the attitude of the Durbar has become more stiff as has been the case in other States.

It is interesting to note that the concessions granted have been withdrawn in the case of a number of villages where people are still expressing themselves against the outstanding grievances.

The rules also declared the introduction of some constitutional reform which was found to be wholly unsatisfactory by the people and consequently they declined to take any part in it.

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## RAIRAKHOL STATE

Area—833 sq. miles.
Population—35,710.
Income—Rs. 87,000.
Geographical situation—Adjacent to Angul and Sambalpur.

Rairakhol was carved out of Bamra and constituted into an independent State about the middle of the 18th century. It lies between Sambalpur and Angul (British Orissa). It is one of the most undeveloped spots among Orissa States. Extensive and wild jungles cover the major area in the State. In extent it is 833 sq. miles with a population of about 36,000. There are roughly 360 villages scattered all over the land. The revenue derived from all sources is less than one lakh of rupees (*i.e.*, 87,000).

**Nation Building Activities**:—Facilities for education are very meagre in spite of the fact that subjects pay a cess for the purpose. A few schools (13 in number) afford no proper scope for the spread of literacy among the subjects. In the face of this low figure we wonder how the educational cess is utilised.

There is only one dispensary in the State with scant supply of medicines as the witnesses allege. We have no reason to disbelieve the utter inadequacy of medical aid rendered to villagers here. Perhaps the cess realised in this behalf, is not put to its best use.

**Rule of Law**:—The Ruler is the fountain head of Law and Justice. He is the despot who guides and controls the administration to suit his whims. The magistracy and the police seem to exist here to carry out the orders of the Chief. Justice is delayed and parties are put to much inconvenience and hardship. Need we suggest that justice delayed is justice denied?

There is neither freedom of press nor of the platform. Public meetings are forbidden and associations are not allowed. No form of public activity is tolerated, rather is it quelled with an iron hand. Appointments and dismissals depend on the freaks of the Ruler. Nepotism plays a large part in the matter of appointments. Sometimes posts in State service are auctioned with the result that the highest bidders get them at the sacrifice of superior fitness and efficiency. To think of law, order and justice under such conditions of State existence, is sheer moonshine.

**Illegal Dues and Services**:—*Bethi*, *magan* and *rasad* are the most acute grievances of the people. Being poor, they feel very much oppressed by these illegal exactions. The volume of documentary evidence produced in this connection before the Committee is overwhelming and convincing.

The forms and nature of *bethi* (forced labour) enumerated below, tell their own story. Further comment is superfluous.

There is *bethi* for Kheda and Shikar, for extinguishing jungle fire, for road-making, for constructing and repairing houses for the Ruler and the Staff, for temple, school and police houses; for marriage ceremonies, feasts and fasts, for serving officers while on tour and for other purposes. Patta (Ex. Am4) enjoins such services.

Ex. C, C1 and C2 and E and F to F45 are series of State chits demanding such services from people. Exs. J and K among many others are notices calling for explanation for not rendering *bethi*.

**Magan**:—It is forced contribution by subjects on ceremonial occasions. This was also realised from the villagers at the time of the King's Jubilee. Ex. Y of 1-6-37, which is quoted elsewhere, is a receipt granted by a State Officer in satisfaction of such payment.

**Rasad**:—The villagers supply *rasad*—provisions free of cost to the Chief and his officers when they go

on tour or for Shikar. Though there is a regulation for supply of *rasad* to officers on payment, nothing is paid in practice. There is also a peculiar illegal exaction called "Tika" in this State. Ex. T shows it. Occasionally for sacrificial purposes, goats and buffaloes are supplied at a nominal price.

**Forest Rights and Cesses**:—Formerly people had substantial rights in forests. Now, their rights have been curtailed and they are called upon to pay forest cess—one anna per rupee of rent since 1931. It is stated that even for getting fuel from unreserved forests people are required to pay 3 annas for a cart-load. Free grazing rights for cattle are now denied. Also, subjects are forbidden from grazing cattle within the village boundary. So they drive their cattle to long distances to find good grazing ground for them. If accidentally cattle stray into the reserved forests, their owners are fined. Under Section 45 of the Forest Rules, the State collects a special grazing fee which is exhorbitant and adds to the heavy burden of the villagers. The fee is charged in the following manner:—

| | | | |
|---|---|---|---|
| For | buffalo | per head | 4 annas. |
| „ | cows | „ „ | 2 „ |
| „ | goats and sheep | „ | 1 „ |

**Land Rights and Rents**:—Here rights to land are limited. None is free to mortgage or sell his or her land without the permission of the State. A transfer fee of four annas per rupee of rent is charged for such transactions. It is never calculated on the acreage purchased. They often bribe the officers as alleged to get their transfer registered. How irksome, expensive and unjust the process is one could very well imagine. Even in the matter of rights of inheritance, there are clogs. Ex. Ak—a publication of the rights of and duties of the subjects of Rairakhol—proves this.

Lands are assessed every fifteen years. Rents therefore, shoot up high and impoverish the villagers. Formerly, the rate of rent per acre of good land was

Re. 1-8-0; now it is Rs. 3-2-0 which, when compared with the neighbouring British Orissa rate, is very high.

**Taxes and Cesses**:—Besides high rents, there are taxes and cesses which weigh heavily on the people. It is difficult to account for the existence of these unless we believe that they are levied to meet the ever-increasing luxuries of the Ruler. The following are some of them:—

Hospital cess—one anna per rupee of rent.
School cess—one anna per rupee of rent.
Forest cess—one anna per rupee of rent.

There is a tax on trade in cattle, pigs and horses. It is collected by the police in the manner stated here:

Sale of a cow or bullock—2 annas.
" " a buffalo—4 annas.
" " a goat or sheep—1 anna.
" " a horse—8 annas.
" " a pig—Re. 1-8-0.

We must also mention here of what is called "hearth cess." It is collected by forest officers from sons who cook separately, their fathers being alive, at the rate of 4 annas per hearth.

A word concerning Ex. B2, we feel, is necessary to complete the picture.

Ex. B2. *(Proclamation)*.

"It is hereby notified to all that the State is full of men belonging to the *chasa* caste. They are a rebellious people. We do not wish to appoint them as *Gountyas* (headmen) in great number. So if Aghories, Orans and Kurmis from Singhbhum, Manbhum and Sambalpur want to live in the State, favourable consideration will be shown to the latter in respect of granting them jungle land and *Gounty*.

Dated 21-1-38,
Sd. Illegible,
Dewan, Rairakhol.

The above is a circular by the State to all concerned with a set purpose. It reveals an ugly and deep-laid plan to replace the children of the soil by inviting outsiders to come, and settle and enjoy better rights and privileges in Rairakhol. It is specially and deliberately designed against the *chasa* caste which forms the main bulk of the population. It must be admitted that their stake in the land is real and abiding. People, who, by the sweat of their brow, brought villages in the State into existence and still contribute substantially to the State Treasury are now looked down upon and chased from the land of their birth with a vengeance. They are branded as rebels and sent down the ladder. Naturally, they are smarting under the wicked insult and projected injury. Unless this policy is abandoned and the *chasa* community is taken into confidence and restored to its lost favour and to their legitimate rights in the land, it may lead to a State-wide unrest and agitation fraught with grave consequences. Further, it is bound to react on neighbouring States and, in all probability, may gradually assume undesirable and fearful dimensions portending disaster in the end.

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## ATHGARH STATE.

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Area—168 sq. miles.
Population—50,148.
Income Rs.—1,48,000.
Geographical situation—Adjacent to Cuttack District.

The late Ruler, Raja Srikaran Biswanath Bebarta Patnaik Bahadur died in June, 1918, and the present Ruler succeeded to the Gaddi as a minor in his nineth year. The State, therefore, passed on to the management of the Court-of-Wards under the Political Agent, Orissa States, and was released and handed over to the present Ruler on the 5th September, 1932.

The following table indicates progress or otherwise of the State with regard to population and revenue.

| Year | Population | Land Revenue | Excise Revenue | Total Revenue |
|---|---|---|---|---|
| | | Rs. | Rs. | Rs. |
| 1901 | 43,784 | 37,343 | 5,717 | 53,005 |
| 1916 | 46,799 | 42,015 | 7,279 | 66,121 |
| 1923 | 42,351 | 43,694 | 9,262 | 1,54,633 |
| 1928 | 42,351 | 58,317 | 21,150 | 1,67,914 |
| 1937 | 50,148 | 76,604 | 32,105 | 1,65,151 |

From the above table, approximate progressive *per capita* taxation may be deduced as follows:—

| Year | Land Revenue | | | Excise Revenue | | | Total per capita Tax | | |
|---|---|---|---|---|---|---|---|---|---|
| | Rs. | A. | P. | Rs. | A. | P. | Rs. | A. | P. |
| 1901 | 0 | 13 | 6 | 0 | 2 | 0 | 1 | 4 | 0 |
| 1916 | 0 | 12 | 0 | 0 | 2 | 5 | 1 | 7 | 0 |
| 1923 | 1 | 0 | 6 | 0 | 3 | 6 | 3 | 10 | 6 |
| 1928 | 1 | 6 | 0 | 0 | 8 | 0 | 4 | 0 | 0 |
| 1937 | 1 | 8 | 3 | 0 | 10 | 3 | 3 | 5 | 0 |

This shows the rapid enhancement of taxation. The relatively low rate of total *per capita* taxation for 1937 is due to the fact that though land rent and excise revenue were much enhanced, the revenue of the productive departments, such as, forests, went down by about 50 per cent and the revised figure of population according to the Census of 1931 went up by about 20 per cent. It should be noted that the rate of rent assessed on different claases of land in the State is comparatively very high. In the year 1922-23 when land revenue was Rs. 43,694, the prevailing rate of rent was considered to be very high. The Political Agent in the Report for 1922-23 observed as follows with regard to land rent of this State :— "The fixing of rates of rent in this State gave the same trouble as was noted last year in the case of Nilgiri and this was further increased by the fact that the existing rents are fairly high in comparison with neighbouring districts and States." It would be found that the then existing rents were considered high in comparison with the neighbouring district and States. But in spite of that a further enhancement in rent of about 25 per cent on the average was made. Under the terms of the then existing *Sanad* the Ruler was bound to seek the advice of the Political Officers in matters of revenue. The Committee wonders how the 25 per cent increment was allowed in spite of the above remarks of the Political Agent.

The average land rent in Athgarh State is about Rs. 2-8-0 per acre, whereas in the neighbouring British Orissa area of Banki it is Re. 1-3-5.

It would thus be seen that the rate of land rent in Athgarh is the heaviest even though the poor tenant has no right whatsoever over his land about which we shall discuss later on.

In addition to the high land rent, the other numerous taxes, fees and *salamis* that are realised are enumerated below

## Other Taxes.

| | | | | | | |
|---|---|---|---|---|---|---|
| | | | | | | per Re. |
| *Education Cess*:—On Rayoti lands ... | @ Rs. | 0 | 2 | 3 | | of rent |
| *Hospital Cess*:— Do | ,, | 0 | 1 | 3 | Do | Do |
| *Road Cess*:— Do | ,, | 0 | 1 | 6 | Do | Do |
| *Forest Cess*:— Do | ,, | 0 | 0 | 6 | Do | Do |
| *Professional Tax*:—On certain castes ... | ,, | 1 | 0 | 0 | per family | |
| *Labour Tax*:—On landless labourers | ,, | 0 | 2 | 0 | per head. | |
| *Fruit Cess*—On Mango trees, | ,, | 0 | 1 | 0 | per tree. | |
| On Jack fruit tree | ,, | 0 | 2 | 0 | per tree. | |
| *Grazing Fees*:—For Khesra Forest:— | | | | | | |
| Buffalo | ,, | 0 | 4 | 0 | each | |
| Cow or bullock | ,, | 0 | 2 | 0 | ,, | |
| Goat or sheep | ,, | 0 | 1 | 0 | ,, | |
| For professionals. Buffalo | ,, | 0 | 8 | 0 | ,, | |
| Cow or bullock | ,, | 0 | 4 | 0 | ,, | |
| Goat or sheep | ,, | 0 | 2 | 0 | ,, | |
| For Reserve Forest. Buffalo | ,, | 0 | 10 | 0 | ,, | |
| Cow or Bullock | ,, | 0 | 4 | 0 | ,, | |
| For professionals. Buffalo | ,, | 1 | 4 | 0 | ,, | |
| Cow or Bullock ... | ,, | 0 | 8 | 0 | ,, | |

Asses or horses are charged at the same rate as for cows.

| | | | | | |
|---|---|---|---|---|---|
| *Special Fee*—per piece of plough wood. | @ Re. | 0 | 1 | 0 | per piece. |
| *Sugar-Cane Tax*:—levied on sugar-cane | ,, | 0 | 3 | 0 | per 1,280 pieces. |

(discontinued for the last 1½ years).

*Tax on Commodities :—*

| | | | |
|---|---|---|---|
| Salt, Kerosene, Pan, Bidi, Tobacco | In 1935 | license fee realised. | Rs. 10,000 |
| | In 1937 | Do | Rs. 10,000 |

*Special Tax on sugar-cane crushing machine.*

*Special fee for permitting adoption* as per special schedule rates. *Special salami* also is realised for such permission in addition to fees.

*Special fee in each case of litigation for permitting pleaders.* No definite fee is charged. Permission is optional and fee may vary from Rs. 5 to Rs. 100 according to the will of the authorities.

*Special Gun License Fee* at schedule rates.

*Special Fee for Religious Court* over which the Ruler presides.

*Special Fee for Social Court* over which the Ruler presides.

*Fee* for according permission to sell land. Besides the mutation fee permission fee is realised at Rs. 10 per cent of consideration money and in case of special permission, the fee is Rs. 25 per cent of consideration money.

In addition to this, there is exaction of *bethi* and *begar*. It amounts to a first rate scandal that the representative of the Paramount Power in the year of grace, 1930 in which the Geneva Labour Convention definitely resolved against forced labour and slavery, should have codified *bethi* for the State and that on the most ridiculous ground. The Political Agent who codified all *bethi* (unpaid forced labour), *begar*, *rasad*, wrote as follows in the preamble :—

"*Bethi* labour partly contributes towards the rent payable by a tenant. It is a traditional condition of his tenure and is another cause of the low rate of rent fixed."

It has been definitly proved and has been admitted by the Political Agent himself in the year 1922-23 as stated above that the rate of rent in the State is "*fairly high*" in comparison with that prevailing in the neighbouring States and British districts. After this observation and after a further enhancement of rent by 25 per cent in the same year, the Political Agent says in 1930 that, because the rate of rent is low, unpaid forced labour is being and will be realised and codifies *bethi* with the provision that "*everybody in the State who possessed any land as ryot, khanjadar, mahatran jagirdar, tankidar etc., will be bound to render bethi*" It would show how in the States, sense of justice, decency and fair play is lacking even on the part of the Political Officers and how exploitation and oppression of the poor, helpless people are not only countenanced but throughout supported as a matter of policy by the Political Department. It is therefore no wonder that exaction of *bethi* and oppression and torture on that account would be the order of the day in these States.

We now come to the rights of the tenant and security of tenure. We find that a set of rules were framed and promulgated by the State authorities, regarding transfer of land by tenants, Tankidars, Jagirdars and other tenure-holders. Though there were restrictions against sale, mortgage or transfer of land, in certain circumstances it could be done with the permission of the State, for which a special *salami* or permission fee and mutation fee were levied. For certain classess of land the permission fee was levied from Rs. 20 to Rs. 3 per acre. But after the administration was assumed by the present Ruler, the rules were changed to the effect that *tanki*, *lakhraj*, *khanja* and lands of likewise tenure could not be sold. For other transfers 10% of consideration money in ordinary sale and 25% in case of special sanction are realised before

permission is granted. One cannot inherit property without mutation for which a special fee has to be paid.

The tenant has never been given full occupancy right. To all intents and purposes he is a tenant-at-will. He may be deprived of his land and property without rhyme or reason. If the Ruler or the State would take fancy to acquire land for any purpose, either personal or public, the poor tenant can be immediately ejected and the land may be taken possession of, without any compensation whatsoever. Evidence has been adduced that for State purposes *ryots'* land was taken away without compensation. Another interesting instance was brought to our notice by some of the witnesses, who were themselves sufferers, as to how for the construction of an areodrome a large acreage of land was taken away in the village Radhagobindapur without any compensation being given. Not only this, but even though the poor tenants were ejected from the land, rent was still realised for years together after such ejectment, and repeated representations to the State authorities and the Ruler were of no avail.

But the revenue laws and regulations of the State provide that if the State will be in need of acquiring lands, regular cases will be started, enquiry and survey made by the departmental officers concerned, amount of compensation fixed and that after the compensation money is paid to the tenant from the treasury, land will be surrendered within one month in case of cultivated and waste land and within 3 months in case of homestead land. But how far the provisions made in the rules are respected and acted upon by the authorities would be evident from the few instances stated above.

The tale of woes and arbitray rules does not end here. During the period of 1933-1937 numerous instances have occurred where scores of tenants have lost their land, through fraud, arbitrary and whimsical orders of the State officials. Documents exhibited before us (yellow and red notices which are known to

be ejectment notices) show how on account of failure of payment of the current land rent by the tenant within a stipulated time, which is usually 7 days or a fortnight, he has been ejected and the land settled in the name of another tenant. In numerous instances we find that such ejectment has been made in the interest of officers or some of their relatives. Ryots or tenure-holders, who purchased land worth hundreds, were summarily ejected by a single stroke of pen for failure to pay paltry sums. We give here 3 glaring instances as illustrations. During the year 1935-36 one, Gourang Bisoi of village Balipur was ejected of 12 acres of good land worth about Rs. 1,800 on account of his failure to pay the current demand of rent of Rs. 120. The land was settled in the name of a relative of the State Kanungo, Sri Padmacharan Das. Another Nidhi Sardar Singh of village Rampei was deprived of 8 acres of land worth about Rs. 500 and the same was settled in the name of Sri Basanta Kumar Patnaik, son of Rasbihari Patnaik, State Accountant for a sum of Rs. 40 only. One Sunei Bewa (a woman) of village Khanduali was ejected of 2 acres of land worth Rs. 150 and the same was settled in the name of Narayan Jena, peon of the Assistant Dewan for a sum of Rs. 6 only. Numerous such instances may be quoted. But space precludes us from doing so. No investment made by the tenant on his land either by way of purchase or by way of improvement made is returnable to him in case he fails to pay the current rent in a week or so. Numerous tenants, who were so dealt with arbitrarily made appeals to the State authorities and the Ruler, but no redress was obtained. People therefore rightly feel that there is no security of property in the State and therefore no body would dare invest money in good cultivation or improvement of the land as he does not know when he may be ejected or turned out.

The present Ruler abolished the Sarbarakar system and the Sarbarakars (the hereditary rent collectors) were deprived of their Jagir land. The lands were not even settled in their names. The Sarbarakari system was substituted by the Tahasildari

system which, it is alleged, is unsatisfactory and open to much corruption.

Over and above high rent and other cesses, *bethi* is exacted. It was first codified, abolished and finally replaced by a cess called "road cess" in lieu of *bethi*. It is in evidence that this cess, far from being properly utilised for roads, is misspent. The people perform *bethi* for Shikar, forest work and even road repairs.

Forest administration in the State is probably the worst. We have had most serious charges against the forest officials about extortion of money, corruption, mal-administration and oppression. Dismissed servants are made officers here. In 1937 people vehemently remonstrated with the Ruler to no purpose. Charges of bribery, corruption and mal-administration in the Forest and Revenue Departments became so persistent, that the Ruler himself convened meetings in 1937-38 and assured people that he would look into them and take action. In the result, only one record-keeper was dismissed.

Forest department is the source of all troubles to the poor people. Forest officials including forest guards have been given wide powers of search, arrest and persecution. We find that in the year 1922-23, the forest area in the State was 110 sq. miles out of a total area of 168 sq. miles. In 1924-25, 7½ sq. miles were kept as reserved forests and 72 sq. miles as village and protected forests. In 1926-27, 34½ sq. miles came under reserve forests and village and protected forests came down to 45½ sq. miles. In 1936-37, "A" and "B" class reserve forests, were raised to 55 sq. miles and village forests further reduced to 25 sq. miles. Grazing fees are realised on simple chits or without receipts by forest guards and the complaint has been that many of them are not credited to their account. The departmental business in fuel is another scandal, and much of evidence has been adduced to prove malafide transactions in the department. We also find that

forest revenue which was improving under Court-of-Wards management has been deteriorating under the present administration. In 1921-22 the total forest revenue was Rs. 21,246, but in 1936-37, it has come down to Rs. 10,247.

Education cess is the heaviest in the State. Here there is hospital cess, road cess, education cess, besides many other cesses. Education cess is Re. 0-2-3 per rupee of rent. Nowhere in the Orissa States the education cess is so high as it is here. It varies elsewhere from 6 pies to 15 pies per rupee of rent. The cess so realised in the State amounts to Rs. 14,000. In 1915-16 we find that the number of Primary Schools was 50 and of the pupils 1,806. But the expenditure on education was less than what the people paid as education cess. In 1927-28 the number of schools was reduced to 30 and the number of pupils came down to 1,447. By 1936-37 the number of Primary Schools had further come down to 28. But the Secondary School had been raised to a High English School in the latter part of 1936 by the present Ruler. Up till then there was no contribution whatsoever from the general Budget to the education of the State. On the contrary, the surplus of Rs. 2,000 from the education cess of Rs. 14,000 was long being appropriated for general purposes. The following comparative table will show the progress of education in the Athgarh State as compared to the progress of education in the neighbouring district of Cuttack. The primary teachers are very low paid and are not regularly paid. The Education Department is managed by an official, named M. B. Tripathy, who was once removed from the same position in 1928 under the instructions of the Agency Inspector of Schools; and the removal was endorsed by the Political Agent in his letter No. 55 E, dated the 7th January, 1928. This officer is reported to have been twice removed and reappointed.

## State of Education.

| | Sq. miles per Primary School | No. of villages per Primary School | No. of pupils per Primary School |
|---|---|---|---|
| Cuttack Dist. | 1.4 | 2.1 | 31.1 |
| Athgarh State | 6 | 7.5 | 64.4 |

There is only one hospital in the State and Rs. 400 to Rs. 500 is provided annually for it when the total income under this head is Rs. 800. The hospital seems to exist for the Ruler and his palace. Under the Court-of-Wards administration there was a medicine distributing centre at Gurudijhatia which was abolished by the present Ruler on grounds of financial stringency, though the excise revenue has steadily gone up and the people pay a special hospital cess of Re. 0-1-3 per rupee of rent.

The same State of affairs exists with regard to agriculture. It is true that forest and waste lands have gradually been leased out to people at low rents on payments of *salami*. But the insecurity of tenure and the absence of tenancy rights have not encouraged people to make due investment or improvement. No facilities, we find, exist to save the villagers from the floods. . . . Forty-two villages out of a total number of 200 villages are flooded every year. There are no industries in the State and the economic condition of the people is at the lowest ebb.

Excise revenue is the highest in the State. The *per capita* excise revenue is Re. 0-10-3 whereas in British Orissa, it is about Re. 0-6-0. Opium consumption is alarming in the State, as is evident from the fact that out of a total excise revenue of Rs. 32,000, Rs. 28,000 accounts for opium alone. Under the Court-of-Wards management the sliding scale was introduced but after restoration, sale of opium has gone up very high. Athgarh is the worst sinner in this respect.

**General Administration** :—The general administration of the State is far from satisfactory. There are many magistrates and officers without requisite qualifications. Often dismissed and convicted persons are freely entertained in the State. There is also no security of services. Dismissal and discharge of officials are almost frequent.

Administration of justice in the State is vitiated by the personal influence of the Ruler. Pleaders are not allowed to appear in cases and whenever special permission is accorded arbitrary fees are demanded. The dictum "justice delayed is justice denied" holds good here as in many other Orissa States.

Civil liberty is absent. No person is allowed to hold meetings, form associations and subscribe to newspapers though the ban on them was lifted on 5th October, 1938, by proclamation.

The history of the *prajamandal* agitation affords a very sad and revolting episode. A big conference of the State people wherein about 15 thousand men and women participated, was held on the 11th September, 1938, under the Presidency of Sri Radhanath Rath. A *prajamandal* was constituted and the grievances of the people were formulated for submission to the Ruler in a constitutional manner. The Ruler had assured the Chairman of his willingness to accept the representations. On Dasahara day, the 4th October, a declaration was made reiterating abolition of *bethi*, excepting Shikar and certain kinds of forest *bethi*, abolition of *magan* and also notifying to the people the Ruler's intentions to recieve popular representation. Curiously enough, the extension of the Criminal Law Amendment Act to the State was announced the next morning.

On the 8th of October, the *prajamandal* was declared unlawful and assemblage of 5 or more persons was prohibited. The house of the Secretary was raided, his cash and ornaments were removed and he was dragged out of it in the dead of night when he was groaning under

illness. Then followed indiscriminate raids and arrests and hounds of terror were let loose. Officers with armed police force and even with beef and night soil went round the villages and attacked people and demanded payment of money and purchase of loyalty tickets on pain of beef and night soil being forced on them. The people were so much terror-stricken, that they fled away in hundreds to jungles and outside the State. About 25 persons were arrested and put in jail. They were assaulted there, and one of them, an old man, by name Raghunath Dalsinha died as a result of assault. Though some prisoners were gradually released, oppression continues and several refugees from the State still remain outside.

On 13th October, a public meeting was held outside the State in the village of Kantpahera in the Banki area of the Cuttack district. Some Athgarh people attended the meeting to review the situation of their State. While returning home, they were met by the Revenue Officer and the Special Magistrate who ordered them to disperse. They dispersed after protest. Soon they were charged with *lathis* at the instance of the Special Magistrate present with police force. Some 23 were wounded and injured. One had a gun-shot wound. No medical relief was rendered and the wounded were removed by their own men to the neighbouring village of Malbaharpur in the district of Cuttack. Some were also taken to the General Hospital in Cuttack where they were treated by Major O'niel, the Civil Surgeon who certified to the injuries on their persons. This was disputed by the Ruler; and the people demanded an open impartial enquiry which is not forthcoming even now. It is interesting to note that an armed police force from the contiguous Dhenkanal State participated in the repression here.

On the 12th of February, the Ruler made a declaration that from 1st of April, 1939, he would establish the *praja parishad* "to coach people in the art of responsible government." But it has not materialised yet.

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## PALLAHARA STATE.

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Area—452 sq. miles.

Population—27,975.

Income of the State—Rs. 79,000.

Geographical situation—The nearest British territory is Angul—50 miles off.

The Committee collected evidence regarding the affairs of the Pallahara State at Angul on the 26th June, 1938. Witnesses appearing before the Committee came from a distance of about 50 miles from Angul. The main grievances of the people are *bethi*, *rasad*, *magan* and inequitably high rates of land assessment. The absence of rule of law and of any systematic administration is of course a common grievance of the people of almost all the States in Orissa and Pallahara is no exception to them.

**Bethi**:—Forced labour without wages is ruthlessly realised on various occasions. The Committee was surprised to find that on the occasions of visits of the Political Agents and forest officers, *bethi* is realised and people are made to believe that *bethi* is approved by the Political Department, road repairs work, Shikar, Kheda, repairing of State houses, clearing the forests: all these are done by *bethi*.

Shikar takes place ten or twelve times a year. On each occasion, about 500 men are required to work without wages. On an elephant-catching Kheda excursion, about 2,000 men are required. Not only unpaid labour is realised but also food-stuffs for the captured elephants are realised from the people without any payment.

**Rasad**:—The Committee has got ample evidence to show that forced supply of food-stuffs without any price is as rampant in Pallahara as in many other

Orissa States. On the occasions of the visits of Political Officers *rasad* is realised and it is no wonder that people generally believe that *rasad* (forced requisition of provisions) is approved by the Political Department.

**Magan**:—Forced contributions on ceremonial occasions are also prevalent here as in many other States. People have paid *magan* six times during the last 20 years. The average rate of *magan* collected is 4 annas per rupee of rent.

On the occasion of the Silver Jubilee celebrations of the Late King George V, contributions to the Silver Jubilee Fund initiated by the Viceroy were secured by force from the people. The lands of those who could not pay or were unwilling to pay were attached. It is not known whether the entire sum that was realised in this way was remitted to the Silver Jubilee Fund. But the most unfortunate impression has been created amongst the ordinary people that the Britsh Government too realises *magan*.

**Land Assessment**:—The argument that is sometimes put forward by some Durbars that land rent is kept low in view of payment in kind such as, *bethi*, *rasad*, etc., does not hold good in the case of Pallahara. Here land assessment is higher than in the nearest British territory of Angul with regard to the same classes of land. Besieds the land rent, these are the following cesses in force:—

1. Forest cess at the rate of 6 pies per rupee of rent.

2. Grazing fees at the rate of annas 4 per cow and annas 8 per buffalo.

3. Education cess at the rate of one anna per rupee of rent.

4. There is a duty on export of paddy and rice at the rate of annas 8·per bag of rice and annas 4 per bag of paddy.

**Monopolies**:—A system of monopoly over vital necessaries of life such as kerosine and salt, is in existence in this State. It is needless to mention that because of the monopolies the prices are much higher in the State than outside. A standard seer of salt sells at annas two in the State whereas its price outside is only 5 pice.

As regards nation-building work there is only one dispensary where the supply of medicine is not sufficient. No care is taken when an epidemic breaks out. The State does not spend anything on water-supply or on sanitation.

There are only 26 L. P. Schools, 3 U. P. Schools and one M. E. School. With this arrangement, primary education is said to be compulsory.

Many a time people have represented their grievances to the Durbar but no heed has been paid to them.

When the wave of agitation in the States reached Pallahara, people there, too, became alive to the situation. They represented their grievances constitutionally, but, this mere representation was sufficient to invoke the ire of the Durbar which took to repressive measures. Arrests, inhuman beatings even in the case of women, looting, all these weapons in the armoury of a tyrant were used to crush the popular awakening, but repression did not have the desired effect. Ultimately, the Durbar issued a proclamation on the 30th November, 1938, some of the conceding partially demands of the people.

The main concessions are (1) civil liberty, (2) abolition of *bethi*, *magan* and *rasad*, (3) amendment of tenancy law, (4) amendment of forest rules, (5) abolilion of monopolies, and (6) non-interference in social matters.

One interesting item in the declaration is that the system of *corporal punishment* inflicted on *parents*

and guardians of children not attending schools as a measure for enforcing compulsory education is abolished. It is surprising how this system could be thought of and put into practice.

The declaration appears to have satisfied the people for the present, but, unless people are given an effective control over the administration, the evils of personal rule are bound to raise their heads again with consequent popular risings and needless sufferings on the part of the people.

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## GANGPUR STATE

Area—2,492 sq. miles.

Population—3,56,388.

Income—Rs. 5,08,000.

Geographical situation—16 miles from Jharsuguda Station, B.N.Ry. in Sambalpur Dist.

The Committee took evidence about Gangpur on 24-6-38 and subsequent days at Jharsuguda. The general complaint in this State relates to exorbitance of land rent. Land that was assessed at Re. 1/9 per acre in 1910 Settlement now pays Rs. 2/8 per acre (Settlement of 1936). In the neighbouring Sambalpur District similar land pays Re. 1/2 per acre. The Christians, mostly converted aboriginals, of Gangpur and Raibaga Thanas appealed against this abnormal enhancement and did not pay the rent. One of them was imprisoned and another was released on a surety of Rs. 50. Even then they refused to pay. During Settlement the procedure for filing complaints was peculiar. It was as follows:—Joint petitions against the abnormal increase of rent were forbidden. Grouping of villages was not allowed. Individual petitions only with Re. 0-12-0 were entertained. Many individuals complained against many irregularities and excesses practised by the Settlement officers. The enhanced rates were also objected to, but no relief was granted. It engendered intense popular discontent amongst the Christians. They even approached the Viceroy but to no purpose. The allegation that the Lutheran Christians have been discriminated against while settling the land rent, was found to have some substance behind it. It is said that on account of Christian ideals and influence of missionaries, Christians refused to pay bribes and because of this their lands were comparatively highly assessed. Whatever the reasons, the fact stands that lands belonging to Christians were more highly assessed.

In all probability, this is the most important grievance which is agitating the minds of the people at the present time. It may be mentioned here that the rate of rent was doubled without the State having done anything towards the increase of irrigation facilities. It is significant that the present rate in Sambalpur is lower than even the 1910 rate. On the top of it there are other cesses and levies.

Forced, unpaid labour is exacted for *kheda* and Shikar operations, for cultivating and harvesting purposes and for construction and repair of Dera Ghar (Dak Bungalow).

People are required to supply straw, wood, cotton seed, Mahua and Khuskhus free of cost to the Raja. Also vegetable ghee, milk, etc., free at the time of any ceremony in the Raj family. No other provisions are exacted by the officers now, because the State is under Court-of-Wards.

Compulsory contribution of 4 annas per rupee of rent for ear-piercing ceremony and 8 annas for the marriage of the Ruler.

Although not mentioned in the Record-of-Rights, the late Mr. Christian, the then Dewan, allowed transfer of lands, but it is not allowed now. People have no occupancy rights on their lands but are mere tenants-at-will.

There is a forest cess of 5 annas per yoke of bullocks in return for which the cultivators were entitled to extract free timber for ploughs and other agricultural implements and for ordinary house-building. But these facilities have been gradually withdrawn. There is a grazing fee for grazing stock inside the village forests, but there is a heavy compensation to be paid when the stock trespasses outside. This is a great hardship. There is a hospital cess of 2½ annas per rupee of rent without sufficient corresponding medical facilities and also educational cess of 6 pice per rupee of rental.

People cannot hold public meetings, nor are they allowed to organize associations. Newspapers criticising the State authorities and political books and pamphlets are not allowed into the State.

People are not allowed to shoot wild animals that destory their crops.

It is said that no book is published containing the laws in force in the State. The Civil and Criminal Laws of British India are said to be in force, but "the will of the Ruler is the law of the land."

People are beaten for failure to provide *bethi* and imprest provisions.

An income-tax has recently been introduced. This is the only State in Orissa having an income-tax which is levied on incomes of one thousand rupees and more. It is not clear if the tax is on trading income alone or on agricultural income as well.

The privy purse of the Raja is not fixed. There is no proper auditing. Administration Reports are published, but are not available to the public.

At the height of the movement in Dhenkanal and Talcher in 1938, the Maharani Regent announced certain very minor concessions which were not acceptable to the people. The Christians were still persisting in non-payment of rent up to the middle of March last. Troops were requisitioned and arrived in Gangpur in March or in the beginning of April to help collection of rent, which is certainly a very unusual procedure. The forest concessions for certain localities announced in December last are said to have proved a hoax. Instead of benefiting the people, it is complained that they have enabled the State to exact three or four times the previous levies in this respect.

On 9-2-39, the Maharani Regent with the Dewan and the Tehsildar called a meeting at Sargipalli where from four to five thousand people from about 30 villages

submitted a joint petition to the Maharani Regent in which the redress of the following grievances was prayed for :—

1. The land rents of the 1910 Settlement to remain in force.

2. The forest rights enumerated in the 1910 Settlement to be restored.

3. Full rights in the boundary forest (presumably village forest) to be conceded to the villagers.

4. The Chowkidari tax of 12 seers rice and 3 annas in cash per household to be abolished.

5. People to be allowed to use the hides of their own cattle, instead of the monopolist appropriating them to himself.

6. Free transfer of land to be allowed without any fee.

7. Total abolition of forced labour, *bethi* (nazarana) imprest provisions, *magan pancha* (forcible contributions in cash and kind).

8. Introduction of representative government in which the people can excercise vote.

9. *Permission to ply bullock carts on the roads built by* the people.

10. Tanks to be dug and embankments to be built and maintained by the State wherever necessary for irrigation purposes.

11. Right to shoot wild animals that damage and destroy crops to be conceded.

12. Freedom to sell lac, silk cocoons, cotton seed, Mahua, wax, etc., to any merchant in the State. Export cess to be collected from the merchants on their exports.

13. Co-operative Credit Societies to be established.

14. Local people to be given preference in State service instead of bringing men from outside.

In the end it was prayed that inasmuch as people have been greatly impoverished due to the low prices of their produce, the above items be properly considered and suitable orders be passed. No reply was forthcoming to this from the Durbar.

People are required to supply vegetables, ghee, milk, etc., free of cost at the time of ceremonies in the palace.

**Magan**:—The rate of *magan* is Re. 0-4-0 per rupee of rent on the occasion of the *karna-vedha* (ear-piercing) ceremony of the Ruler and annas 8 per rupee of rent on the occasion of marriage. No receipt is granted for these payments.

**Right on land**:—Tenants have no right of transfer and they are sometimes ejected against all canons of law, justice and equity.

While this report was in preparation a regular massacre took place in Gangpur on 25th April, 1939, and we refrain from making any observations pending the findings of an impartial judicial tribunal. We simply quote below the version of the Durbar and the reply of Sree Mahtab to that.

**The version of the Durbar**:—Military assistance had to be requisitioned, and among those who tried to pacify the mob was the Assistant Political Agent, who was made the object of a concerted attack.

When the attack occurred it was decided to open fire, and this, says the communique, probably prevented a repetition of the recent Ranpur incident, in which Major Bazalgette, the Political Agent, was killed.

Before the incidents of April 25, there had been a no-rent campaign among the Mundas, most of whom are converts to Christianity.

The Durbar approached the Church Council of the Lutheran Mission at Ranchi, which, sent a deputation to tour the State but the Secretary of the Church Council wrote to the Dewan that "he despaired of persuading the Lutheran Mundas to see reason unless some strong action was taken against these agitators."

The communique, which has been issued after the completion of a judicial inquiry into the firing, reads:—

Gangpur is the fourth largest State in the Orissa States Agency, with an area of 2,492 sq. miles, a revenue of 8 lakhs of rupees and a population of 3,56,674 of whom nearly 40 per cent are aborigines. Of these, the Mundas and Uraons originally came from Ranchi district and many of them are converts to Christianity. Flourishing missions are run by the S.P.G., and the Roman Catholics while a large number of the Mundas are Lutherans.

Though they are primitive and conservative cultivators, the Mundas are good workers, and a large number are employed as labourers in the Assam tea gardens, and at the limestone quarries at Birmitrapur, where they earn good wages.

Unlike the other converts however, the Lutheran Mundas have made no attempt to improve their methods of cultivation, and resist any efforts to reason with them on the part of the State authorities, with peculiar obstinacy.

The last regular Settlement of the State was completed in 1911 and this was extended up to 1935, when a new Settlement was introduced, which had been carried out by a lent officer of the Orissa Junior Civil Service, over a period of seven years. With the introduction of this new Settlement, the land revenue demand of the State was increased from 1,10,257 in the Khalsa area to Rs. 1,49,861 with a proportionate rise in the zamindari areas.

The assessment was made on the soil unit system, which creates a variable rate for different villages accord-

ing to their productivity. This is the same system as was employed in the last Revision Settlement in the Sambalpur district, and resulted in an increased demand of 36 per cent as compared with 40 per cent in Sambalpur.

The revised rents are considerably lower than those current in the adjoining States of Jashpur and Bamra, and the Ranchi district and the average pressure in the whole State, taking both dry and wet land, is Re. 0-8-4 per acre, as compared with is Re. 0-8-9 in Sambalpur district, which is assessed in the same way.

This Settlement was accepted by the *ryots* in the State, and no complaint was raised against it, except by the Lutheran Mundas, who started a 'no-rent' campaign about 2½ years ago. This did not attract very much attention in the first two years but in the current year it spread into different parts of the State, and the arrears amounted to Rs. 63,000.

Seeing the gravity of the situation, the Regent Rani Sahiba herself visited the area where the agitation was most acute, accompanied by her Secretary and the Dewan. She held five crowded meetings, and explained to the *ryots* that the object of her visit was to listen to their grievances and to give them relief.

The Mundas put forward a demand for the reduction of the rents assessed at the recent Settlement. The Regent Rani Sahiba examined this question with great concern, and after full inquiry decided that the demand for a summary reduction of the rents was unjust, when the rents were found by comparison to be lighter than those in the adjoining districts. It was also not a practicable proposition to upset a Settlement that was so recently completed at the expense of the equivalent of two years' land revenue.

The Rani Sahiba consulted the Lord Bishop of Ranchi, and the Roman Catholic priests in the matter, and they quite agreed with the justice of the State's position,

and advised their followers to refrain from opposing the State's authority.

The Lutheran Mundas, however continued to oppose the State and attempted to influence other communities not to pay rent; in this they were led by one Nirmal Munda, who was instigated by certain pleaders in the Province of Bihar.

The Regent Rani Sahiba, meanwhile announced that she would give every consideration to any other grievances the people might have and give them every possible relief.

Nirmal and a section of the Lutheran Mundas boycotted the Regent Rani's meetings and told the people not to pay any rent until a direct reply was received by them to some petition they had sent to Delhi. This they did in spite of having been shown that their petition had been returned to the Durbar for disposal.

On December 26th, 1938, on the occasion of her second son's succession to the Gadi, the Regent Rani Sahiba announced several concessions, in which the Durbar abandoned Rs. 24,000 of hospital and education cesses, and Rs. 8,000 of forest *nistar* cess permanently, arranging for the loss sustained by the State to be made up out of the general revenue as well as abolishing all *bethi*, *begari*, *magan* and *abwab*.

These generous concessions however failed to satisfy the Lutheran Mundas who only interpreted her announcement as a response to their agitation and continued their 'no-rent' campaign with renewed vigour.

Seeing the rising tide of defiance, the Durbar approached the Church Council of the Lutheran Mission at Ranchi, which sent a deputation to attempt to dissuade their misguided followers from their foolish and illegal course. This deputation was led by the President of the Church Council, Mr. Stosh, in the opening stages and by the Secretary thoughout its tour in the State.

The Secretary grew so disgusted with the obstinacy and obstruction put up by Nirmal and some of his associates from Dahijira village, that he wrote to the Dewan to say that he despaired of persuading the Lutheran Mundas to see reason, unless some strong action was taken against these agitators.

With the hot weather approaching its peak, the Durbar decided that action must be taken, and so with the support of troops the village of Dahijira was surrounded at the end of March, and a number of leading agitators were arrested.

Nirmal, however, escaped and continued to hold meetings, in which he preached sedition, violent opposition to the authority of the State, and the collection of rents. He organized a system all over the Munda country, whereby drums were kept in all the villages, and the Mundas collected in large numbers, armed with bows and poisoned arrows, whenever the officials of the State came to collect revenue or to attempt to arrest any of the ring-leaders.

On April 10th, a seditious meetings was held across the border in Ranchi district, at which all present resolved to offer resistance to the police, if an attempt were made to arrest him.

Nirmal on the same day, attacked a village Chowkidar with an axe. The police went to Simko to arrest him, but found a large crowd of defiant Mundas collected in the forest and were surrounded and threatened.

Again on April 18th, a small party of armed police was sent to arrest Nirmal, and was confronted with a party armed with bows and arrows, while the drums were beaten, and a large armed crowd collected, which caused the police to withdraw.

This opposition to the authority of the State reached its climax on the afternoon of April 25th when a party of police, that went to Nirmal's house at Simko,

was confronted by a crowd of 500 defiant Mundas armed with *lathis*, axes and *tabls*.

The help of troops was asked for and two platoons (50 men) of the 1/8th Punjab Regiment under a British Officer, accompanied the Sub-Divisional Officer, several police officers, and the Assistant Political Agent to the scene.

The Magistrate explained that he had come with a warrant for the arrest of Nirmal under Section 332 I.P.C., for attacking a Chowkidar; he advised the crowd to disperse quietly to their homes, and to give up the accused without resisting the police. The crowd was very defiant, and refused to obey the Magistrate's orders, or to listen to the Assistant Political Agent, who spent over an hour trying to persuade the large and hostile crowd to disperse quietly, and to do as they were told, making it quite clear to them, that he was willing to hear all their grievances, did not wish to hurt any one of them, but intended to enforce the authority of the State and arrest Nirmal.

The crowd only grew more defiant, and eventually the Sub-Divisional Magistrate had to declare them an unlawful assembly, and order them to disperse. They were again given plenty of time to obey his orders, before the police started to disperse them quietly, and without the use of force.

The crowd, however, were determined to provoke a fight, and resisted the police, attacking them with *lathis* and axes, and attempted to seize their rifles. The Circle Inspector of Police received serious injuries on his head, several constables were hurt, and the Assistant Political Agent was the victim of a concerted attack, when he went to prevent the seizure of a rifle.

When this attack took place, it was reluctantly decided that the crowd would not be dispersed unless the order to fire was given, and this was accordingly done, probably saving a repetition of the recent Ranpur incident. As the police opened fire, part of the crowd attempted to

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attack the troops as well, and though firing only lasted half a minute severe causalties were inflicted, as the Mundas rushed at the riflemen.

After the firing, the mob immediately dispersed, and the police entered Nirmal's house, found him concealed in the roof, and arrested him. Twenty-eight Mundas were killed, and 25 injured of whom four have since died in hospital. Two of the police officers were severely injured and also one of the sepoys, and two constables.

The wounded and dead were removed immediately to hospital and received every attention, the dead were buried according to the wishes of their relatives, after the proper religious ceremony.

With the removal of their leader, the opposition of the Lutheran Mundas has very largely collapsed, order has been restored in the area and both rents and arrears are being brought in by the *Gauntias* (village headmen) every day; it has transpired that much of the rents had been collected previously by Nirmal's men and had been misappropriated for use in the agitation; the villagers, however, have had no difficulty in coming forward with their rent from their other sources of income.

The ordinary administration of the State is proceeding normally and there has been no interruption in the ordinary communications within the State.

This is the third occasion in the last forty years that this turbulent people, who previously had a great reputation as dacoits, have rebelled against the authority of the State, and it is fortunate that in the present case, action has been taken before their opposition assumed really serious proportions.

While the Durbar naturally regret that such a painful incident should have happened to disfigure their fair record of administration, everything is being done to put right any real grievances these people may have, as soon as they conform to its authority, a number of further forest

concesssions are even now only awaiting the Resident's sanction to be announced.

**Reply of Sree Harekrishna Mahtab** :—"It was reasonably expected that a serious incident like the death of 32 human beings, of whom, according to my information, some were old women and some children and injuries to about the same number, would be inquired into by an impartial Committee of unimpeachable reputation not only in order to allay public misapprehensions, but to prevent recurrence of such gruesome incidents in future. But the Gangpur Durbar from whom better judgment was expected because of the fact that the State is now managed by the Rani Sahiba, held an inquiry by whom nobody knows, and described it as a judicial enquiry and published a naked report with unworthy self-complacency.

The fact that the firing took place at the instance or in the presence of the Assistant Political Agent, an officer virtually superior to the Durbar, did not weigh with the latter when they set up the inquiry with their own man or men. The State communique says that this is the third occasion in the last 40 years and it is fortunate that in the present case action had been taken before the opposition of the Mundas assumed really serious proportions.

Admittedly, therefore, there was no serious situation to handle. It is admitted in the communique that the Mundas who have been Lutheran Christians, for the last 50 years, have been agitating for the last three years against the increase of land rent and have been representing their grievances even to the Viceroy. Pending a decision on this question, the Mundas have not been paying rent for the last several years, and the arrears amounted to only Rs. 63,000/-. Besides these representations, the Mundas do not appear to have done anything more when the Durbar decided to arrest the leaders of the people. All the leaders were arrested and Mr. Nirmal Munda, President of the Local Lutheran Union, could not be arrested and to effect his arrest so many lives have been sacrificed,

Any person having any experience of the administration of any civilised land, will see through the tactlessness exhibited on the occasion. Whenever and wherever there has been firing, accusations of commission of violence have been brought rightly or wrongly. It is, therefore, necessary that it should be proved to the satisfaction of the public whether there was actual violence or the Assistant Political Agent got frightened at the bare recollection of the Ranpur incident and lost his balance of mind.

The communique next tries to explain how in dispersing a crowd of only 500 people, so many lives have been lost and many have been injured. It is stated that though the firing lasted only half a minute severe causalties were inflicted as the Mundas rushed at the riflemen. Such bravery is very rare and, if it is true, then it is evident that the Mundas have some real grievance for which they laid down their lives so boldly like true Christians.

Quite apart from the communique it has to be ascertained if it is not a fact that, while assessing the land rent, clear discrimination has been made so far as the Dutheran Christians are concerned, and if it is not a fact that bitter rivalry has been going on for the last several years between the different missions there. The Durbar ought to say whether or not the late Dewan was very popular amongst these people. After his retirement this discrimination began and the Lutherans did not get justice anywhere and they went up to the Viceroy.

The long and short of the story is that to enforce the increased rate of rent the Durbar decided to arrest leaders, and to enforce the arrest, troops had to be requisitioned, who were readily available and so many lives were lost. But what about the Assistant Political Agent? Is the Political Department maintained to see that the orders of the Durbar, right, wrong or indifferent, are carried out with the aid of the military? It is evident that the Political Department has become the vassal of the different Durbars and the troops placed at their disposal are utilised in any way they like. Did the Assistant Political Agent

or the Political Agent make anything of an inquiry whether the grievances of the Lutherans were just and whether they intended to overthrow the Gangpur Durbar?

If the Regent Rani Sahiba is the real Ruler of the State, I would only hope that she would make ample amends by appointing an impartial Committee to investigate into the affair and also into the grievances of the people."

Pandit Jawaharlal Nehru, the President of the All-India States People's Conference wrote to the Resident, Eastern States Agency, asking for an impartial enquiry which was refused. Again Panditji sought permission to depute somebody to the spot to console and take care of the wounded and the bereaved families. This simple request also was turned down by the Resident. The killing of so many men, women and children whose exact number is still unknown in spite of the declaration of the Durbar, was trifled with because the lives of poor men and specially of Indians were concerned. The killing of one Englishman in Ranpur set the whole British Government in motion, but the killing of scores of Indians was not even properly enquired into.

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# RANPUR.

Area—203 sq. miles.
Population—47,713.
Income—Rs. 71,000.
Geographical position—Adjacent to the Puri District in British Orissa.

The Committee took evidence about Ranpur on the 30th June, 1938, at Kalupara Ghat which is very near the Ranpur State. On all points of importance the Committee got ample evidence from all classes of people. Though not situated far beyond main communications, the conditions prevailing in Ranpur are most medieaval and the people are much oppressed.

From the evidence that is in possession of the Committee, it is clear that the Ruler takes very little interest in the administration of the State and the full authority is exercised by the Dewan against whose integrity the evidence is overwhelming. Bribery is a common affair in Ranpur and officers from the lowest to the highest are said to take bribes. Justice in Courts is sold to the highest bidder, and sometimes when there is no bid, money is realised on pain of beating in the open Court. Administration being so corrupt, the general condition of the people is very miserable.

Some of the customs, which were prevalent in the middle-ages, still exist in Ranpur and it will interesting to cite a few of them to show how modern civilisation has had no effect on this corner of India after a century and a half of British rule. The people are not permitted to use two-plank (double) doors in their houses; a well-dressed and groomed man appearing in a public thoroughfare is immediately singled out as a haughty man; not all classes of people have the right to use a palanquin for purposes of wedding processions. However, the more important grievances which have spelled the economic ruin of the peasantry deserve serious consideration here. *Bethi* (unpaid forced labour) is the

most pernicious practice in the Orissa States. It is on evidence that the poor peasants of Ranpur are forced to work nearly five months in the year without wages and there are 27 varieties of *bethi*, which, in addition to religious festivals, include frequent Shikar beats, construction and repair of roads and palaces, cultivation, sowing, fencing and watching of lentil fields which are used as baits for wild animals to be killed in Shikar, carrying luggage of officers to their homes even outside the State, and a host of other kinds of *bethi* not prevalent twenty years ago. These witnesses alleged that they have been forced to build pucca houses for the Raja's favourites also. A large number of bullock carts are requisitioned when only a couple are required. The extra carts get away after satisfying the requisitioning officer. Of late, there has been a small mercy in the shape of exemption from road work. The rigour of *bethi* falls most heavily on the day labourers who depend on wages for their livelihood. If one is unwilling to leave his own field during cultivation or harvesting season, he is beaten and dragged for work or is fined. No receipts are granted, but one has to sign in the Fine Register. The only instance of payment of one anna per day for food is while carrying parcels or fish from Kalupara Ghat Station to the palace.

The State exacts a marriage fee of Re. 1-1-0 from the parties who marry. The permission to use a *palki* or a *sabari* in a marriage procession is granted after payment of fees of Rs. 15 and Re. 1, respectively. These conveyances, it may be noted, do not belong to the State, but to private owners who must be paid their hire. *Magan* (forced contributions) in recent years was collected at the rate of *four annas per rupee of rent* on four different occasions, *i.e.*, for the ear-piercing ceremony, marriage and death of the Yuvaraj and for the death of the Raja's mother. The village Rent Collectors present *nazarana* to the Raja on Oriya New Year's Day and collect six pies from every householder at the time of rent collection. Certain *abwabs* (illegal cesses) at the rate of four and a quarter annas per

Patta number are also collected, which, it is said, go to the Rent Collector and to the Kanungoes.

The matter of forest restrictions is another hardship. Fifteen years ago, fuel wood could be extracted free from the forests, but now a fee of from 12 to 14 annas per cart-load has to be paid. During the Political Agent's visit, people have to supply goats and chicken at half prices, and fifty to sixty milch cows for milk. But no payment is made for the latter. It is interesting to note here that the ordinary cows in the forest country yield very little milk, some times a couple of chhataks. These unruly animals, when driven from forest country to the town area and tied up, take fright and milk dries up. Hence the necessity of fifty cows to ensure a yield of two or three seers (four or six pounds).

Monopoly of *pan* (betel leaf) was sold last year for Rs. 3,550. As a result, the retail price is twice that across the border in Khurda Khasmahal. Other monopolies that are sold in auction are salt, kerosine and cocoanuts. There is again, it is alleged, a tax of four and a quarter annas per loaded cart and one and a half annas per empty cart each way *for the use of certain roads*.

The exaction of unpaid forced labour, and the various taxes and cesses would, if a proper taxation inquiry were made, probably mount up to the amount of land rent; and it is difficult to see how, under such a heavy burden, the peasantry can thrive at all.

There are other disabilities, such as the prohibition of killing wild animals for the protection of crops. But the above-mentioned items are sufficient portrayal of the economic grievances in the Ranpur State. An administration under personal rule is judged by the freedom the subjects possess for making their grievances known to the Ruler who is the *mabap*. Unfortunatley, in the case of Ranpur, it is said that the Raja has been suffering from some physical disability and is unable

to move about much. The Dewan, in consequence, rules the State, according to these witnesses. Bribery and corruption are rampant. Administration of justice is far from impartial. Any complaint or murmur is quickly put down by concocting false cases and harassing the complainants. Some years ago, one of the witnesses had to suffer much punishment and humiliation on mere suspicion that he had written to a newspaper about the misdeeds of the officials. When he applied for a copy of the judgment, he was told that he would be put into jail. Many complaints and appeals are submitted to the Ruler, who, it is claimed, sends them back to the same officers. The result can well be imagined. Appeals to the Political Agent and the Resident were without any effect. The Dewan's will remains the law.

From the documentary evidence submitted to the Committee, it is evident that there is no rule of law. Entry of newspapers is forbidden. An assembly of five persons is considered a crime. Even caste associations and meetings for purposes of social uplift are banned. Person and property are not safe. This is the situation that was presented by the witnesses, each one of whom stated that he had been forbidden by the State police from appearing before the Committee, and was afraid of the consequences on his return.

Thus, it can be seen that the people were effectively gagged. But, the time spirit had begun to work. After the organisation of *Praja Mandals* in Nilgiri, Dhenkanal, Talcher and Nayagarh, the people of Ranpur felt encouraged and they organized their *Praja Mandal.* They discussed their grievances in many mass meetings and submitted their demands to the Ruler. The *Praja Mandal* was carrying on its work in the most constitutional manner. On two or three occasions arrests were made; but as a result of mass representation, the leaders were released. On 26th November, 1938, the Durbar circulated a public declaration in which the fee for the use of a *palki* was reduced to Rs. 2, forced labour for extinguishing forest fires and for *Rathjatra* was retained and the rest was to be commuted into a

cess. Various other promises for consideration in future were made. But, there was no mention of civil liberties, nor of a representative form of government.

Another representation was made to the Durbar and meetings were held in a peaceful manner. In the meantime, on 1st December, 1938, a general order under Sec. 144 was issued. Another Public Declaration was circulated on the 27th December, 1938. Entry of newspapers was permitted with the proviso that "any paper may be banned any time by the government or the State." Meetings and associations were considered generally unnecessary in view of the concessions granted. However, meetings could be held after obtaining the permission of the Durbar. Processions were strictly forbidden; these, as said in the Declaration, "being only outward shows, disturbing peace and tranquility and an obstruction to administration." Permission was granted to use double (two plank) doors and *chabutras*. Regarding responsible government the Declaration said. "It is impossible to introduce responsible government in this State, and, therefore, this demand cannot be conceded."

The most deplorable and sad incident of mob violence of January 5th, 1939, which was condemned by all right-minded people can only be understood if the background were properly studied. Here is a State which is very sorely misgoverned. The Ruler has ceased taking any active share in the task of governance. The favourites are free to practise tyranny and misrule. Ancient barbarous practices are allowed to flourish unchecked. People have no liberty to organise for the ventilation of their grievances. There is no mechinery for a free expression of the popular wants and aspirations. No control or check from the people is permitted and the only power *viz.*, the Paramount Power, that has any authority to curb the evils generated by a system of undiluted autocracy, appears to have ceased to function for all practical purposes. So, the people, who are brought into contract with a world of modernity outside and who have seen the results of a freedom

movement in the neighbouring areas, seeing no way of escape from tyranny and oppression, fondly hoped, it appears, in sheer desperation, to end their miseries by mass demonstrations, which, without proper and experienced guidance from outside lapsed into mob frenzy and fury. Of course, instead of bringing their much-wanted deliverance any nearer, this insensate act of violence recoiled on their heads and they have got into still deeper trouble. Ranpur is a pointer both to the Princes and the Paramount Power on the one side and the unorganised and unlettered people of the backward States on the other.

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## HINDOL STATE

Area—312 sq. miles.

Population—48,897.

Income—Rs. 1,26,000.

Geographical situation—Adjacent to Angul of Cuttack District.

The Committee took evidence on Hindol on the 27th July, 1938, at Angul. About 300 persons representing all sections of the people appeared before the Committee and in most cases documentary evidence was produced to prove the oral statements made.

**Rule of Law**:—The Committee have got positive evidence that there is much corruption in the administration of law and justice. Definite instances of bribery have been brought to the notice of the Committee. The Ruler is the highest appellate authority in the State. Even there people are not confident of getting justice. To file an appeal against the judgment of any Lower Court does not appear to be safe in Hindol. One Daynidhi Dhal was asked to explain why he should not be proceeded against on the charge of contempt of Court for his having filed an appeal against the judgment of the Lower Court. This amazing incident is sufficient to show that people are justified in having no faith in the administration of justice in the State. The Magistrates are not competent or qualified for the work with which they are charged.

**Taxation**:—The land rent in Hindol is higher than that in Angul, the nearest British territory. The comparative figures are given below.

*1st Class.*

| | | Angul Rate. | | | | Hindol Rate. | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | Rs. | A. | P. | | Rs. | A. | P. | |
| (1) | Oayal | 2 | 11 | 9 | | 3 | 12 | 5 | per acre |
| (2) | Doyam | 1 | 13 | 2 | | 2 | 11 | 9 | " |
| (3) | Soyam | 0 | 14 | 7 | .... | 1 | 11 | 1 | " |

*2nd Class.*

| | Angul Rate. | | | Hindol Rate. | | | |
|---|---|---|---|---|---|---|---|
| | Rs. | A. | P. | Rs. | A. | P. | |
| (1) Oayal | 2 | 9 | 8 | 2 | 11 | 9 | per acre |
| (2) Doyam | 1 | 11 | 1 | 1 | 15 | 7 | " |
| (3) Soyam | 0 | 12 | 6 | 1 | 4 | 10 | " |

*3rd Class.*

| | Rs. | A. | P. | Rs. | A. | P. | |
|---|---|---|---|---|---|---|---|
| (1) Oayal | 2 | 5 | 6 | 1 | 15 | 3 | per acre |
| (2) Doyam | 2 | 9 | 0 | 1 | 4 | 10 | " |
| (3) Soyam | 0 | 12 | 6 | 0 | 14 | 7 | " |

There is also a tax on professions. The members of the industrial castes are required to pay a tax even if they do not carry on the profession of their castes.

Besides these, the following cesses are in force in the State:—

1. Forest cess, at the rate of Re. 0-1-3 per acre.
2. Miscellaneous cess, at the rate of Re. 0-3-0 per rupee of rent.
3. Grazing fees.
4. Education cess at the rate of 1 anna per rupee of rent.

In spite of the payment of the forest cess people do not get materials for construction of houses. The only benefit people get out of the forest cess is that they are allowed to collect fuel as much as they can in the course of a month in the year. The grazing fees are collected even if the cattle do not graze.

**Monopolies**:—There is the system of monopoly on salt, kerosine and other necessaries of life. This monopoly keeps the prices on a higher level than those of the British districts.

Till recently there was an export duty on paddy, rice, and *rabi* crops. But that duty has been abolished

and in its place a system of permit has been introduced. This system is that, whosoever intends to sell agricultural produce must obtain a permit from the State authorities and must sell the articles to the Agent at Cuttack, appointed by the State. The permit costs one something and also causes some delay.

The authorised Agent remains at Cuttack. So, one who intends to sell his articles must come to Cuttack and sell at the price dictated by the Agent. Those who do not sell their articles to the Agent are fined. This system has hit the agriculturists very hard.

**Bethi**:—On 19th May, 1936, the Ruler of Hindol issued a declaration which runs thus on the point of *bethi*.:—

"To-day the world is marching towards progress. Education and civilisation have developed all round. So, some of the old practices are condemned in the civilised society. . . . . . . . . . Agitation is going on in political circles to abolish *bethi*. Accordingly many States have abolished it and levied a cess instead. In order to bring you to the level of the other States, I declare that *bethi* is abolished and *in its place a cess at the rate of 3 annas per rupee in the rent is* levied."

This declaration must have satisfied the Political Department which is responsible for implementing the Geneva convention regarding *bethi* in the States. But, the fact remains that *bethi* continues along with the cess. The Ruler's declaration after giving expression to some laudable sentiments goes on to say that although the cess was levied, people should continue to render unpaid forced labour on ceremonial occasions in the palace, for hunting excursions and various other purposes. So both the cess and the *bethi* are still flourishing under the supervision of the British Government and during elephant catching operations people are compelled to work without wages with their own supply of rations.

**Rasad** :—The officers, when they visit villages, realise *rasad*, *i.e.*, food-stuffs. On this account the villagers have to incur an expenditure of Rs. 20/- to Rs. 40/- which they raise from amongst themselves. On the occasion of the Ruler's visit, the expenditure comes up to Rs. 50/-.

**Magan,** *(Forced contribution on ceremonial occasions):*—There is a system of *karpedi* according to which people are compelled to sell paddy to the Ruler at a price lower than that prevailing in the market.

**Nation building work**:—There is no irrigation facillty in the State. Even the supply of drinking water is insufficient.

There is only one hospital in the State and that too is situated in a corner of the State. Majority of the population gets no medical aid even at the time of epidemics.

As regards education there is only one M. E. school, 3 U. P. schools and 35 L. P. schools.

**Interference in social matters** :—The State machinery is used to enforce decisions of the Dharma Court which levies fines for non-compliance of caste rules, however condemnable they may be.

This State is considered to be superior to many others as regards its administration and general progress. But a close scrutiny of its affairs clearly shows how bad must be the condition in the other States.

**Protection of crops from wild animals**:—People are not allowed to kill wild animals damaging crops without the permission of the authorities. Permission is obtained on payment of Rs. 3/- as fees. When the animal is killed a fee is paid again at the following rates:—

1. Deer—Rs. 2-0-0
2. Sambar—Rs. 4-0-0

3. *Kutari*—Rs. 1-0-0
4. Bear—Rs. 1-4-0

**Insecurity of person and property**:—As in most of other States, in Hindol too, one may not feel secure about his property. The claims and rights of heirs are overlooked and property is confiscated. Some instances may be given here to illustrate the above remark.

Saradha Bewa of village Kalinga, died in 1924. She had adopted a son. This adoption was not recognised by the State, nor even the agnates of the deceased woman allowed to inherit her property, but the State confiscated it. Similar is the case of one Banamali Samantasinhar. One Chandra Sekhar Jena of village Tharepal has been dispossessed of his property for having protested against the practice of cruelties on some *Paiks* who are watchmen of the palace.

While the report was under preparation, the Ruler issued two declarations, one on the 1st September, 1938 and the other on the 15th January, 1939 granting mainly the following concessions:—

1. Right to hold meetings and form associations.
2. Abolition of *rasad*.
3. Abolition of license fees on kerosine, betel and cane-crushing machines.
4. Abolition of *bethi*.
5. Grant of free licenses for killing wild animals that damage the crops.
6. Reduction of the rate of interest from 25 per cent to 12½ per cent for arrears of rent.
7. Free export and sale of agricultural produce outside the State.
8. Abolition of grazing fee.

9. Some ammendments of the tenancy and forest rules favourable to the people.

10. Constitutional reforms giving final powers of decision regarding primary education, irrigation, village communication and sanitation within the budgeted amount to the *praja-parishad* which is to be constituted with representatives of the people elected on adult franchise and not more than half the total number of members to be nominated by the Durbar with a President nominated by the Durbar. The constitution further provides that there shall be no fresh taxation without the consent of the *praja-parishad.* The *parishad* may discuss also grievances of a general character or against any official of the State.

It is not yet known whether the Political Department has accorded their approval even to a constitution like the above and if it has been put into operation.

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## BAMRA STATE

Area—1988 sq. miles.
Population—1,51,259.
Income—Rs. 4,24,000.
Geographical situation—Nearest to the British District of Sambalpur.

Bamra like other sister States in Orissa is the stronghold of rank conservatism and mediæval superstition. It is hedged in, on all sides, by thick and bewildering jungles. It touches, at different points, Angul and Sambalpur which are British possessions. Within a compact area of 1,988 sq. miles, it harbours 1,51,259 people less susceptible to the demoralising influence of modern materialistic culture. The entire income of the State is in the neighbourhood of 4½ lakhs of rupees. The terms of *sanad* granted to the Ruler which are mentioned elsewhere speak for themselves.

The Committee sat on 25th June, 1938, at Sambalpur and examined witnesses, who produced several documents to prove their various allegations made against the Ruler and his administration. After careful analysis and sifting of evidences recorded and exhibits filed therein it is constrained to make the following observations on the merits of the case. It has been thought proper to deal with the several items of complaint one by one always having regard to truth and probabilities of their contentions.

One thing we would very much desire to lay stress on: In the State it is unfair to expect the same standard of government as we are familiar with in the British area. We have been very careful not to import our own ideas and prepossessions of popular government into the fabric of this (our) consideration.

We do not wish to dwell on the striking absence of amenities of modern civilised state-life such as freedom of

speech and writing, right to form associations, ventilate grievances and seek their redress, etc., as may profitably be gathered from Exs. B and C which we propose to quote in part elsewhere.

Now to other main items :—

1. **Rule of Law**:—We are grieved to note that the law, if any, is observed here more in its breach than in its observance. In this remote and antiquated tower of autocracy, the Ruler's will is the law. He is the supreme Court of authority in all matters, judicial and executive. Judicial administration here is a mockery inasmuch as the officers under it, whether qualified or not, live in constant dread of the whims and caprices of the Ruler. The element of independence so essential for the efficient discharge of judicial functions is entirely lacking in them;

There are no codification and publication of rules. Even if there are any, they are not within the easy reach of the subjects. We find no qualified lawyers in the State nor are such from outside allowed to argue in the so-called Courts of law.

The executive under such circumstances cannot be expected to be fair, prompt and above suspicion. Personal liberty of the subjects is often at stake here. They are wrongfully confined and kept under police custody for indefinite periods of time without trial. Sometimes they are beaten for no offence or for slight delinquencies. Power to banish subjects is resorted to by the Ruler without adequate justification. For faults of lesser gravity and magnitude, subjects are put to much trouble and humiliation. Exs. C and D, extracts of which are given below, amply bear out the story of misrule and injustice. It may also be stated here that insecurity of State service contributes in no small measure to the existing state of misrule in the State. We do not find any regular cadre for public service. Nor is there any provision for pensions or provident fund for State employees. Besides, the public servants have no security of tenure of office. Nepotism in the matter of appointments is rampant and

the office of the *gouutiya* is auctioned leading to several instances of hardship and injustice.

**Illegal dues and Services**:—These are relics of ancient barbarism still lingering in the parlour of feudal courts and palaces in Orissa. Often they are extracted from the people without compunction.

*Bethi* is the most obnoxious form of forced labour without remuneration. The wage, though promised, is never paid in fact. Even ration is not supplied to people when on actual service. Ex. A4 of 1934, among others, in possession of the Committee, clearly shows to what length the rigour of *bethi* could be carried at the sacrifice of humanity. *Bethi* service is rendered in a variety of ways—for constructing buildings and roads, thatching buildings, repairing roads, attending officers while on tour, etc. During Kheda and other hunting excursions each village is required by order of the State to furnish a certain quota of men with their own instruments, implements and rations to render service for a week or more amidst thick jungle at their own expense. They must take extra men to help them to get their food and look after their cattle as they are strictly forbidden not to divert their time and energy otherwise while on duty. These poor people are sometimes fined, nay, belaboured for slight shortcomings during these operations generally undertaken in the hot summer months. They do *bethi* of all kinds for nearly four months in the year. (Vide Exs. D and E).

**Magan**:—It is a kind of forced contribution wrung from the unwilling hands of the subjects, on occasions of birth, death, marriage, thread and installation ceremonies done in the Raj family. Once it ranged from six annas to eight annas in the rupee of rental which was for once reduced to two annas by a specific order of the Ruler in 1935. In addition to services thus rendered, they are also compelled to supply provisions which is nothing but *magan* in kind. (Exs. A, D and E).

**Rasad** :—This is a compulsory supply of provisions free of cost to officers while on tour. The whole village

contributes the sum necessary to buy victuals with. Even during Kheda operations *rasad* is supplied to the Chief. There is a specific stipulation (No. 7) regarding *rasad* mentioned in the Pattas granted to Gountiyas which compels the villagers to supply articles of diet at rates fixed by the State, but never paid, to the Ruler, the Agent and British and State officers whenever they visit them. (Vide G. Patta Ex. E., dated 24-2-30 furnished by the Secretary, Orissa States' People's Conference ). The amount paid by the villagers on this account is excessive and exacting. Fines are levied for default of payment of *rasad* and other illegal cesses. All these render the peasantry poorer and thus reduce their taxable capacity to its minimum.

**Monopolies** :—This system has been in vogue for years. It is extended to such necessaries of life as salt, kerosine, *bidi*, and many kinds of forest produce with the result that prices of articles are raised to a pinching point. There is also export duty on paddy, rice and *rabi* crops. Villagers often experience difficulties in obtaining license and finding market for sale of their commodities.

**Land Rights and Rents** :—Peasants in the State are mere tenants-at-will. Neither mortgage nor sale of land is effected without State permission. A fee of four annas in the rupee is demanded before sale permit is granted. Sometimes lands are confiscated on flimsy grounds to the immense loss and destitution of tenants. Rents are revised every ten years. Consequently the rates of rent are by far in excess of those found in the Disirict of Sambalpur.

**Forest Rights** :—Not long ago villagers used to enjoy substantial forest rights. They were free to cut and use wood of various description both from the reserved and from the unreserved forests without any fee. Cattle were allowed to graze freely in forests. But all that is considerably restricted now. Forest cess and grazing fees are collected and the cattle are impounded if fines for grazing in reserved forests are not paid.

**Taxes and Cesses**:—Apart from high rents there are various kinds of taxes and cesses levied in the State. Some of these deserve mention here.

Chowkidari tax, which is one pie in the rupee.

There are taxes on sale of cattle and fowl at following rates:—

| | Rs. | A. | P. |
|---|---|---|---|
| For sale of one buffalo | 1 | 0 | 0 |
| ,, cow | 0 | 8 | 0 |
| ,, goat | 0 | 2 | 0 |
| ,, fowl | 0 | 1 | 0 |

Royalties are collected annually from certain classes of people who pursue different professional trades:—

| | | Rs. | A | P. |
|---|---|---|---|---|
| Weaver | per year | 2 | 5 | 0 |
| Oil man | Do | 2 | 0 | 0 |
| Ore extractors | Do | 2 | 0 | 0 |
| Fisherman | Do | 1 | 4 | 0 |
| Barber | Do | 1 | 4 | 0 |
| Potter | Do | 1 | 0 | 0 |
| Dealers in puffed rice | Do | 1 | 0 | 0 |
| Blacksmiths | Do | 1 | 0 | 0 |

Then there are forest cess, garzing fees, education cess, *nistar* cess, *barana* cess, etc. Most of these cesses are modest but when taken together they impose an unusual burden on the subjects.

**Nation Building Activities:**—There are no industries worth the name in the State.

The number of lower vernacular schools is 75 for the whole area.

There are five dispensaries, *i.e.*, one for every 30,000 of its inhabitants. We doubt, if people at all, get adequate medical aid even in the places where these dispensaries exist.

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## DASPALLA STATE

Area—568 sq. miles.
Population—42,650.
Income—Rs. 1,20,000.
Geographical situation—Adjacent to the District of Ganjam.

Daspalla is known throughout Orissa for the rising of the people in 1913 and the measures that were adopted to suppress that rising. Those cruel measures are even now remembered in all parts of Orissa specially in the States and the people of Daspalla even now shudder when they remember the atrocities of that period. Mainly on account of the remembrance of those atrocities and also partly on account of the fact that Daspalla is an out of the way State, the Committee could not secure as much evidence as it should have in all matters. But whatever has been brought to the notice of the Committee is supported by documentary evidence and written statements of dependable persons. The materials available will throw some light on the present affairs of the State where people were suppressed into submission by armed forces of the British Government.

**Taxation**:—The existing rates of land are as follow:—1st class Rs. 3-2-0, 2nd class Rs. 2-10-0 and 3rd class Rs. 2-7-0. A special fee of Rs. 3-8-0 per acre is realised for cultivation of sugar-cane. The rates are higher than those prevailing in the nearest British district.

The rate of forest cess is one anna per rupee of rent and it is learnt that people do not get corresponding advantages even as much as have been mentioned in the Settlement papers.

The rates of grazing fees are as follow:—(1) annas 3 per cow (2) annas 4 per buffalo (3) one anna

per goat or sheep, and (4) annas 4 per horse. This fee is collected for grazing the cattle in the reserved forest.

A cess in lieu of *rasad* is collected at the rate of 6 pies per rupee of rent. Another cess in lieu of supplying vegetables to the palace on ceremonial occasions is collected at the rate of 6 pies per rupee of rent.

In every 4th year a collection is made at the rate of 6 pies per rupee of rent for supplying dress to the police officers.

Since 1937, a cess of annas 3 per rupee of rent has been levied in lieu of unpaid labour for some work.

The rate of school cess is one anna per rupee of rent.

One who runs may see that the high rate of rent and a number of cesses attached to it are quite sufficient to hit hard the agriculturist specially in the present years of depression. But he is not left there.

**Monopolies**:—There is the system of monopoly in salt, kerosine, etc., which keeps the prices of necessaries of life at a higher level.

There is restriction also on export of agricultural produces. A license has to be obtained to sell agricultural produces and the fee for obtaining the license is 12 annas and 6 pies per cent. Those who do not obtain license are fined.

**Rasad, magan and bethi**:—In spite of higher land rent and many other cesses, some of which have been levied in lieu of old practices like *bethi*, *rasad* and *magan*, the latter cotinue as before.

People have to supply provisions like fine rice, ghee, flour, sugar, pulses, vegetables, etc., either free of cost or at nominal price and on an average calculation, this sort of payment in kind will be about one anna per rupee of rent.

The rate of *magan* is from 8 annas to 2 annas per rupee of rent, which people are compelled to pay on ceremonial occasions.

Unpaid forced labour is realised for road repair work, construction of houses and bridges, attendance on hunting excursions, carrying loads, repairing State houses, etc. On an average, a labourer has to work for about four months on *bethi*. About 600 men are required for Shikar and people are compelled to attend it with their own supply of ration from home. Those who protest and do not render *bethi*, are beaten and fined. It is only English education which comes to the rescue of the people, and those who have it, are not required to render *bethi*.

**Interference in Social matters**:—The State machinery is used also in social matters. A fee is realised according to the circumstances of the applicants to permit the use of palanquin, horse and torch.

**Rights**:—People have no right of tranfer of land. They have to pay 25 % in the case of sale and 12½ % in the case of mortgage to obtain permission for transfer. Besides this, there is the mutation fee and a special rate of court-fee for applying for mutation.

**Nation-building activities**:—There are one small hospital and three dispensaries. There is no arrangement for rendering medical aid at the time of epidemics.

Primary education is said to be compulsory. But, with 18 L. P. schools, 4 U. P. schools and one M. E. school, how the scheme of compulsory education has been made effective, is a puzzle.

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# SONEPUR STATE

Area—906 sq. miles.

Population—2,37,945.

Income—Rs. 4,92,000.

Geographical situation—Adjacent to Sambalpur District.

The Committee collected evidence regarding the affairs of Sonepur at Sambalpur on the 26th June, 1939. The Committee fortunately was supplied with a copy of the printed book on land law published in 1929. In the fourth chapter, page 25 of this book, it appears that a special tax is levied in order to meet (1) the expenses of the Ruler incurred in connection with any invitation from the British Government, and (2) all the expenses incurred on ceremonial occasions of the Ruler, the Rani, the eldest son of the Ruler, the eldest daughter of the Ruler and also of all eldest children in the Ruler's family. Although forced contribution on ceremonial occasions, is common in almost all the States, a special tax to meet the expenses incurred by the Ruler in order to comply with an invitation from the British Government, is a special feature of this State. Since this has been codified and a copy of it has been supplied to the Political Department, which has evidently taken no exception to the above law in the State, it is no wonder that the ordinary people have been led to believe that *magan* has the sanction of British Government behind it.

As regards *rasad*, the law book referred to above lays down that for every requirement in the Ruler's family, the supply of food-stuffs and other materials without payment will continue; and so far as ordinary folks and officers are concerned, those who are not exempted by a special order, must pay the prices. This sort of realising *rasad* without payment in this age under the direct supervision of a Government like the British, claiming to be civilised, may appear to be strange, but it is within the law in Sonepur.

*Bethi* or compulsory labour without wages is ruthlessly exacted in Sonepur. Sections 25 and 26 of the law book referred to above have legalised *bethi*. The Committee has evidence showing that the road repair work and many other works, which are not mentioned in the above sections of the law, are done by *bethi*, *i.e.*, without any payment of wages. The Committee wonders how it is that the Political officers have acquiesced in legalisation of compulsory labour without wages.

There is an export duty on rice, the staple agricultural produce of the State. The result is that the agriculturists do not get the full market price of what they produce.

There is the system of monopoly over salt, kerosine, and other necessities of life. Sonepur was the first State to introduce this system of monopolies.

The land rent is higher than that prevalent in the nearest British area. Besides, the land rent there is a grazing fee and also the forest cess.

It appears that there is no security of property in the State. One Gouri Sankar Raiguru was dispossessed of all his property on flimsy grounds, and banished from the State.

Besides the various kinds of exactions rendering people absolutely poor, the Committee was told of some incidents to show that the honour of women was not safe in the State.

While the report was being written, information has reached the Committee that about 25 people have been arrested and put into jail in Sonepur for the fault of representing the grievances of the people to the Durbar. The grievances as put forth in their memorandum are as follow:—

1. Abolition of all kinds of unpaid forced labour realised for Shikar, for attending ceremonies in the palace, guarding the forest and the palace, attending on

occasion of visits of Political officers, work in connection with the private lands of the Ruler, and for other purposes.

2. Abolition of *rasad*, *i.e.*, forced free supply of provisions on the occasions of tour of the Ruler and members of his family, Political and State officers, and of opening ceremonies of temples, tanks, etc.

3. Abolition of *magan*, *i.e.*, forced contribution called *haldian*, *patti*, *mirjimani* on ceremonial occasions like marriages in the Raj family.

4. The Durbar carries on a business of lending money, paddy and other commodities at a very high rate of interest, sometimes as high as 300 to 400 per cent per annum. On this account, many have lost their land and the Gountyas have lost their villages. This should be abolished.

5. Abolition of monpoly in kerosine, etc.

6. State machinery should not be used in social matters.

7. Restriction on sale of agricultural produce, outside and inside the State, should be abolished.

8. Abolition of *gurkhanjana* which is a sort of tax on death anniversaries and on festivities, enjoyed by the people.

9. Abolition of the system of license for cutting trees on one's own land, and grant of full rights over trees on one's land.

10. Grant of right of transfer of land.

11. Mutation fee for a newly settled tenant should be Re. 1, and fees paid for inheriting property should be abolished.

12. Abolition of tax on betel and betel-nut.

13. Abolition of the system of realising rice, gram, wood, ghee, etc., along with the rent fixed during Settlement.

14. The Durbar should pay more attention to the spread of education, and the supply of medical aid to the people.

These are the grievances. There is no thought of overthrowing the Ruler and his 'dynasty,' nor has a word been said regarding reforms in administration. Nevertheless, for mere representation of the above legitimate grievances, people have been sent to jail with the full knowledge of the Political officers. This is the situation, for the perpetuation of which, the Paramount Power supplied troops to help the Orissa Chiefs!

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# KHANDPARA STATE.

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Area— 244 sq. miles.

Population—77,930.

Income—Rs. 1,48,000.

Geographical situation—Adjacent to Banki Sub-division of Cuttack District.

Khandpara is one of those States where people were prevented from appearing before the Enquiry Committee to give evidence. In spite of this handicap, the Committee could secure enough evidence regarding the affairs of the State.

**Taxation** :—(a) Forest cess—The rate of forest cess is annas two per rupee of the land rent. In return, the people are allowed to collect fuel from the open forest and to graze their cattle therein. The rights previously enjoyed have been curtailed to a great extent.

(b) Hospital cess—The rate of hospital cess is one anna per rupee of rent. There are one hospital and two dispensaries.

(c) A cess has been levied since January, 1938, at the rate of annas three per rupee of rent on the occupancy holdings only, ostensibly in lieu of unpaid forced labour, but as a matter of fact, the cess is paid, and *bethi* continues as usual.

(d) The rate of education cess is anna one per rupee of rent. There are one M. E. School, two U.P. Schools and 38 L. P. Schools in the whole State. Most of the villages are without schools.

(e) People in Nijgarh are required to pay Chowkidari cess at the rate of anna one per house.

There is a tax on the industrial castes. This tax is realised either in cash or in kind.

The rate of land rent is higher as compared with that of the neighbouring district of Orissa Province. The rate for the highest class of land in Khandpara is Rs. 2-5-0, while it is only Rs. 1-10-0 in Banki of the Cuttack district.

**Rasad, Magan and Bethi** :—People are compelled to supply provisions free of cost to State officers and others. Sometimes people have to go 30 to 40 miles to purchase provisions for supply, according to demand, when they are not available in the locality. Provisions are collected with the help of the police.

The rate of *magan* varies from three annas to one anna according to the importance of the occasion on which the levy is made. Besides, there is a system of *suniya bheti* on the New Year's Day, and the rate is one rupee per hundred rupees of revenue collection.

People are compelled to render unpaid forced labour for repair of roads, temples, houses, hunts, etc., supplying fuels to the palace and fodder to State elephants, for attendence on ceremonial occasions in the palace, for carrying loads, etc. Any protest against *bethi* is followed by beating and fines.

There is a system under which people are compelled to sell paddy at a reduced rate for use in the palace.

**Rule of Law.**—It appears that administration is very loose in this State. One striking fact, that has been brought to the notice of the Committee, is that sometimes prisoners in the jail are kept in the prison beyond the terms of their sentence, and it seems, no proper record is maintained in the jail.

**Monopoly.**—A system of monopoly in the sale of necessaries of life exists in the State, and as a result, the prices in the State are higher than those prevailing outside.

**Intereference in Social matters.**—The State machinery is used in social matters. There is a system of taking permission for using palanquins, torches and also some special ornaments, and a fee is realised for giving this permission. Those who go against this rule are heavily fined. Recently one man has been fined Rs. 50 for sending his married daughter in a palanquin to her husband's place.

The interference of the State in marriages is obnoxious indeed.

While this report is under preparation, a popular movement has been started in the State for redress of grievances. Instead of taking note of the change of time and making adjustments, the authorities have taken to repressive measures, as a result of which, hundreds have left the State and are taking shelter in the Orissa Province.

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## ATHMALIK STATE.

Area—730 sq. miles.
Population—64, 276.
Inome—Rs. 2,17,000.
Geographical situation—Adjacent to Angul of Cuttack District.

The Committee took evidence at Cuttack about the affairs of the State on the 2nd July, 1938. In view of the measures taken by the authorities of the State, the Committee was unable to obtain much information on all the points raised in the Questionnaire.

However, the Committee is in possession of authentic evidence about certain practices in the State, which are condemned by all civilised and fair-minded people.

**Bethi.**—There is forced labour without wages on the occasion of Shikar beats. People have to attend hunting excursions not only without wages, but with their own supply of rations far from homes. This sort of hunting excursions takes place five or six times in a year and the plight of the cultivators can more easily be imagined than described. One man from every house-hold in the neighbouring villages is required to attend Shikar when it is undertaken. *Some other work* also is done by forced labour without wages and, by way of consolation, the labourers are given a feast of coarse rice and meat.

**Monopolies**:—There is a monopoly of such necessaries of life as salt and kerosine. This system has been introduced only for the last two years, probably in imitation of Dhenkanal and Talcher. The monopoly-holder cannot supply salt and kerosine regularly for the most part of the year. People have protested strongly against this system of monopoly, but to no effect.

There is a system of levying export duty on the agricultural produce sold outside the State. This pro-

cedure prevents the normal competition in prices, and keeps them down to a level lower than the market rates. It works against the best interests of the agriculturists.

People have to pay export duties for selling cows and buffaloes outside the State. This is a fair specimen of the ruinous system of taxation in the State.

**Right over Land** :—There are restrictions on the sale or mortgage of land. The mutation fee is extremely high.

**Social Matters** :—The Ruler interferes in social matters and uses the State machinery to enforce fines, etc., for breach of caste-rules, which, to the Ruler, appear to be obnoxious.

**Civil Liberty** :—There is obsolutely no civil liberty in the State. Collective representation of grievances is seriously dealt with. Recently, the people submitted a collective appeal against the monopoly of salt kerosine, and against forest rules and mutation fees. Nearly every section of people signed this appeal. Those who signed it were chastised in various ways, and Sree Bhagaban Behera, who took a leading part in the submission of the representation, incurred the disfavour of the Durbar, so much so that the poor man had to leave the State. Even now, he does not venture to re-enter the State. The teachers of primary schools and Sarbarakars, who signed the representation, were either punished or threatened to be punished.

No one may drive a bullock cart on the main road without permission.

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## BAUDH STATE.

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Area—1,264 sq. miles.
Population—1,35,248.
Income—Rs. 3,21,000.
Geographical situation—Adjacent to Angul of Cuttack District.

The Committee took evidence on Baudh at Sambalpur on the 25th June, 1938. Two most glaring cases of lawlessness were brought to the notice of the Committee by Sree Prahlad Bishi and Sree Premsankar Patnaik, both of whom are educated. Their only crime was that, they roused the suspicion of the authorities about their complicity in the publication of certain news relating to the administration of Baudh in the Cuttack papers. Both of them were called to the palace and confined in solitary rooms, where the servants of the palace assaulted them mercilessly. Both of them left Baudh, and Sree Prahlad Bishi is working as a teacher in Sambalpur now. Even here, he does not feel safe. In the second week of January, 1938, the Sadar S. I. of Sambalpur, presumably in compliance with some reference from Baudh, made searching enquiries about Sree Prahlad and his present activities. It is surprising how the most disorganised administration of small States like Baudh could be given so much consideration by the Orissa police. Both of these gentlemen appealed for justice to the Political Agent against the administration of the State, but to no purpose.

There is *bethi* of all kinds in the State. The practices of *rasad* and *magan* also are prevalent.

There is an export duty on agricultural produce. *There is a tax on cycles.* The system of monopoly exists here as in many other States.

The land rent has been increased about four times since 1910. Besides the rent, there are other cesses, such as, forest cess, grazing fees, etc.

Because of enhancement of rent, people became restive in 1930. They intended collectively to approach the Ruler personally. But the State police did not allow them to see the Ruler. Failing in this attempt, some of the leading men went up to the Political Agent. Not only nothing happened, but those, who dared approach the Political Agent, were harassed in many ways for years.

It appears, the Durbar exercises considerable influence on the Post Offices also. Those, who are suspected to have some inclination to protest against the vagaries of administration, do not receive their dak regularly. This matter was once brought to the notice of the Superintendent of Post Offices, Sambalpur.

The honour of women is not safe in this State.

**Nation-building Work**:—There are about 1,100 villages in the State. To serve so many villages, there are only three dispensaries and one veterinary dispensary. There are one H. E. School, five Girls' L. P. Schools, one Sanskrit Tol, one Training School and forty-nine L. P. Schools. Needless to say, that the number of educational institutions is insufficient in proportion to the number of villages.

## BONAI STATE.

Area—1,296.
Population—80,144.
Income—Rs. 1,76,000.
Geographical position—Nearest to the British District of Sambalpur.

Bonai is one of those States which is difficult to approach from any of the British Districts. It was, therefore, extremely difficult for the Committee to secure information about the affairs of the State within the time at their disposal. Nevertheless, it is the time spirit, which has not left Bonai untouched, that helped the Committee to some extent, and they have been able to collect some materials which will throw some light on that dark corner in Orissa.

**Forest**:—(a) The rate of forest cess is 6 pice per rupee of rent. Although, according to the Settlement papers, people have the right to a free supply of wood for building houses and making agricultural implements from open forests, under the new rules promulgated in 1926, a license has to be obtained for the purpose. Even for obtaining fuel, a license has to be taken. Contrary to the instructions of the Bengal Government issued in 1892, the boundary of the reserved forests has been brought almost near the boundary of the villages, and people are compelled to pay fees for grazing their cattle in the reserved forests.

(b) The rate of grazing fee in the open forest on (1) buffaloes—4 annas, (2) buffalo calves—2 annas, (3) cows—2 annas, and (4) calves— one anna.

**Poll-Tax on Industrial Castes**:—There is a poll tax on the industrial castes, even though they do not follow their traditional professions.

Their is a special tax on those, who do not belong to the State, but cultivate land on share-produce system, and in addition to the tax they are asked to render unpaid labour.

The villagers of the villages in which police outposts are situated, are required to attend the out-post by turns without any payment.

**School Cess**:—The rate of school cess is one anna per rupee of rent. But there are about thirty U. P. and L. P. Schools only in the State.

**Dispensaries**:—There are two dispensaries in the State. The one in the head-quarter, is well managed, but the other is conducted by a compounder.

**Bethi**:—Unpaid forced labour is realised for various kinds of work, such as, road repairs, repairing the quarters of all officers and Dak-bungalows, carrying the loads of the officers, attending Shikar beats and Kheda, and the ceremonies in the palace, supplying fuel to the palace, etc. Of all these, the road repair *bethi* is the most harassing inasmuch as people are compelled to leave their cultivation work and go for *bethi* labour. For the last four or five years, for the Ruler of Talcher, people are compelled to catch animals and take them to Talcher. Bullock carts and cattle are not allowed on the main roads, and anybody found guilty on this account, is fined.

**Rasad**:—Almost all officers of the State realise provisions free of cost, while they are on tour.

**Civil Liberty**:—It is needless to mention that people have no right of holding meetings and forming associations.

**Social Matters**:—State machinery is used in social matters.

**General**:—The present Ruler Raja Dharani Dhar Indra Deo succeeded his father in 1902, when he

was 18 years old. But within one year of his accession, the State went under Government management as a result of an enquiry into an incident, into which the Committee may not go. The State was released from Government management in 1915. The reason that led to the Government management of the State exists even now. But the policy of the Paramount Power has changed considerably since then. Therefore, activities, which brought about the Government management about thirty years ago, continue to-day with impunity, and the change of the policy on the part of the Paramount Power has encouraged it.

**Land Settlement**:--Settlement of newly reclaimed land was started in 1935. This took away some of the rights of the Gountyas granted in the Settlement of 1910, which is still in force. Some of the Gountyas protested against the encroachment on their rights. But the protests simply invited repression. In 1937 one of the Gountyas approached the Political Agent in Sambalpur. But, at the same time the poor man's house was surrounded by armed police, and it was declared attached. About forty cows and twenty buffaloes were also attached, ostensibly for arrears of rent. The poor Gountya again approached the Political Agent, who advised him to return to the State and take back the property after depositing the money demanded. Although the money was paid, the property has not been returned. This case is still pending in the Political Agent's office, although nearly two years have elapsed. Probably, the new policy of the Paramount Power stands in the way.

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## BARAMBA STATE.

Area—142 sq. miles.
Population—46,689.
Income—Rs. 97,000.
Geographical situation—Adjacent to Banki of Cuttack District.

The Committee took evidence on Baramba on the 3rd July, 1938, at Cuttack. It was fortunate to have Sree Narayan Sumantroy Patnaik, an old man of 76 as witness, who could tell the Committee how he had been fighting against the mal-administration of the State even when the Commissioner of Orissa had some control over the States. The old man has suffered for his legitimate political activities and as a deportee is taking shelter for the last 27 years in the district of Cuttack. This venerable old man possesses testimonials, speaking eloquently of his ability and other qualifications granted to him by highly placed non-officials and officials including the late Assistant Superintendent of Orissa States. That such a person was first imprisoned and then banished for the simple crime of making representations against the mal-administration of the State is proof positive of how the people in this State have been compelled to live at the mercy of the Raja who has deprive them of all their primary rights.

**Bethi** :—Unpaid compulsory labour is realised for the following work amongst others:—(1) Road repairs, (2) Hunting excursions, (3) Demarcation of boundaries of forests, (4) Repair of State houses, (5) Attendance on ceremonial occasions in the palace. If anybody raised any objection to complying with any order for *bethi*, he is beaten and sometimes sent to jail.

The State interferes in social matters. One poor Brahmin was called names by another man in filthy language but the Brahmin was asked not to enter any temple.

The rate of *magan* varies from annas 4 to annas 8 on ceremonial occasions in the palace.

## NARSINGPUR STATE

Area—199 sq. miles.

Population—40,882.

Income of the State—Rs. 1,11,000.

Geographical situation—Adjacent to Angul of Cuttack District.

The Committee took evidence of Narsingpur affairs on 4th July, 1938, at Cuttack. The Committee is in possession of enough documentary evidence proving the findings given below :—

**Bethi** :—Forced labour without wages is as ruthless here as in many other States. Road repair, cutting boundary line, supply of fuel to the Royal family, harvesting the crops on the private land of the Royal family, attending Shikars, extinguishing fire in the forest, supplying food for elephants, attending Kheda operations; these are the works for which forced labour without wages is realised. House holders are to be engaged in *bethi* for about 4 months in a year.

**Rasad** :—Forced supply of food-stuffs is prevalent in this State as well as in many other States. Whenever any Political officer or any distinguished visitor comes to the State, people are compelled to supply ration and other necessaries of life free of cost.

**Forest Rules** :—Although people pay a forest cess at the rate of one anna per rupee of rent, they are not allowed to get wood for the purposes of building houses or for making agricultural implements.

**Monopolies** :—There is the system of monopoly over kerosine, salt and other necessaries of life. There is restriction on export of agricultural produces, thus preventing people from obtaining market prices for agricultural products.

**Interference in Social Matters**:—In this State, the Durbar is particularly strict in enforcing obsolete social customs with the help of the State machinery. Instances have come to the notice of the Committee showing how a Brahmin's inter-dinning with a Christian has been the cause of a series of troubles for the former for more than five years.

One Gopinath Patnaik of village Ostapada was bold enough to protest against *bethi* and other condemned practices some five years ago and the result was that he incurred the displeasure of the Ruler and the State officers who took all possible steps to put Gopinath Patnaik into trouble. The poor fellow thought that the Political Agent might come to his rescue. But the appeal to the Political Agent did not bear any result. Ultimately he had to leave the State and take shelter in British Territory. For arrears of rent of Rs. 12 only, 13 acres of his land were sold in auction. The surplus money after deduction of arrears of rent was not refunded to him. Still about 17 acres of land were left to him. That too, was taken possession of forcibly. The police and the State servants pulled down his house and all his articles worth about 3,000 rupees were taken away. Thus reduced to absolute poverty, he left the State.

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# KALAHANDI STATE.

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Area—3,745 sq. miles.
Population—5,13,716.
Income—Rs. 6,25,000.
Expenditure—Rs. 6,39,000.
Annual Pesscus payble to Government—
Rs. 16,000.

Geographical situation—Adjacent to the District of Sambalpur.

Kalahandi is one of the few big States of Orissa. It was almost inaccessible and communication is still meagre. The majority of its population are aborigines and the State is most undeveloped with extensive jungles. The system of administration is almost of a primitive nature. The Ruler is all in all. There is one Dewan and an Assistant Dewan. The land tax in the State is very high in comparison with the neighbouring States and British areas. In the Patna State the highest rate of rent is Re. 1-8-0 per acre whereas in the Kalahandi State it is Rs. 6-11-0 per acre. There are *rayati* lands which are assessed even at Rs. 15/- per acre. There is no tenancy right so to say. No tenant can sell or mortgage his land. The *Gounti* system prevails in the State. The village is settled in the name of the *Gountya*, a village headman, who pays a *salami* to the Ruler for such settlement. The *Gountya* distributes the cultivated land to the villagers and the rent on Malgujari. Fines according to settlement are to be collected by the *Gountya* and paid to the State. There are also some zamidaries in the State. In the case of failure of payment of rent in time, the tenant may be ejected by the *Gountya* and the same may be settled on some other name by him.

The tenant enjoys no sort of tenure or tenancy right. He is a tenant-at-will. He may be ejected

from his house and land and the same may be given to some body else or the same may be resumed by the State at any time. The *Gounti* right is also not transferable. The *Gountya* may likewise be ejected at the sweet will of the Ruler or Zamindar. As the land is not saleable and there is absolutely no right whatsoever of the tenant, it is no wonder that the whole State is lying undeveloped and full of jungles.

Most of the subjects are aborigines and are therefore a sort of migrating tenants. This accounts for the fluctuation in population. Transfers, if any, are dealt with severely and the transferrer's lands are confiscated.

Another astounding fact that was brought to our notice is that the State subjects cannot sell their rice, paddy, grain, peas, *gud*, ghee, oil, even *chura* and fried rice outside the State without the permission of the State. Permission is obtained on payment of certain scheduled fees. The schedule is prepared and revised from time to time. Such schedules are published elsewhere. There have been numerous instances when poor people male and female have been prosecuted for having sold a few seers of rice outside the State under Sec. 188, I.P.C., and heavy fines ranging between Re. 1 to Rs. 25 have been inflicted. One cannot sell cattle to an outsider. One cannot sell bullocks, buffaloes, cows, goats, etc., to any outsider.

In case of such sale or purchase the seller and purchaser both are prosecuted under Section 188 I.P.C. Killing of wild animals, even for protection of crops is prohibited. Killing of animals such as deer, *sambor*, etc., which destroy crops, is also punishable under Section 188, I.P.C.

When the subjects have no right whatsoever in their land it is idle to expect that they could have any right over trees. The forest cess which is called "Nistar" is the heaviest in the State being two annas per rupee of rent. The grazing fee is likewise very heavy. There is a special cess on industrial castes

such as blacksmith, washerman and others which is levied at the rate of Re. 1 annually. There is another cess levied on hearth of landless people called "Sukhabari" which is at the rate of 4 annas per hearth per year. Besides heavy land rent a "Patwari cess" is levied. There is monopoly tax on all necessaries of life such as *bidi*, kerosine, etc.

There is a *bethi* cess at the rate of 2 annas per rupee of rent in "Khalsa" area the revenue administration of which is directly conducted by the State and at the rate of one anna per rupee of rent in zamindari areas. This *bethi* cess was levied by the present Ruler on the ground that *bethi* was abolished from the State. But there have been instances where road construction and repairs are being done by *bethi* or unpaid forced labour. Another astounding fact is that the subjects are not allowed to ply their carts on the State roads. Cart tracks are separately laid out by the site of such roads up and down the hills and streams and the terrible woes of the people and the poor cattle know no bounds when they tread on these dangerous tracks, specially during the rains. Plying of carts on the State road is punishable. The roads that are built with the blood of people are practically reserved for motor traffic of the Ruler and the officers and for the pedestrians. The Vizagapatam-Raipur Railway line passes through a small portion of the State and Kessinga is the railway station from which there is a road route of 23 miles to Bhawanipatna, head-quarters of the State.

The bus service from the railway station to the head-quarters is said to be owned by the Ruler.

*Magan* and *pancha* are prevalent here in a very severe form. In 1929, the present Ruler levied *magan* at the rate of 6 annas per rupee of rent and in certain areas at the rate of 3 annas per rupee of rent on the occasion of his eldest daughter's marriage. The next year in 1930, *magan* was again levied at the old rates on the occasion of the *upanayan* ceremony of the Yubaraj. This was again collected in the year 1935

and 1939 as before for his second and youngest daughters' marriage respectively.

The vast majority of the people are illiterate, simple and ignorant. Though there is a High English School at the head-quarters and primary education is said to be compulsory, the virtual serfdom of the people has kept them absolutely timid and backward. We are led to believe that the enconomic exploitation of the people is probably the worst. There is a system by which private cases are tried and decided by the Ruler and the incomes thereof are said to go swell the private coffers of the Ruler. Pleaders are not allowed in the State.

Though a declaration appears to have been made that primary education is compulsory in the State, the progress of its working has been very unsatisfactory. The following comparative statement will show for itself.

| 1915-1916. Under the Court-of-Wards management. | | 1926-1927. After 10 years of the Ruler's regime. | |
|---|---|---|---|
| High School | 1 | .. .. | 1 |
| U.P. Schools for | | M.V. Schools | 2 |
| boys | 26 | U.P. Schools | 36 |
| Do for girls | 1 | .. .. | 1 |
| L.P. Schools for boys | 42 | .. .. | 33 |
| Do for girls | 3 | .. .. | 4 |
| G.T. School | 1 | .. .. | 1 |
| Sanskrit tol | 1 | .. .. | 1 |
| Total | 75 | | 79 |
| Total number of boys | 7,865 | .. .. | 6,865 |
| Do of girls | 1,447 | .. .. | 1,210 |
| Total of girls and boys | 9,312 | .. .. | 8,075 |
| Total expenditure | Rs. 25,790 | | Rs. 38,149 |

The above statement proves that the number of institutions in course of 10 years has remained almost the same and the number of students has definitely gone down. The expenditure of 1926-27 might appear to have made a progress. But the ratio of educational expenditure to income affords a striking contrast. In 1915 the income of the State was Rs. 3,56,000. The educational expenditure was Rs. 25,790 which was 7 per cent of the income. But in 1926-27 the income was Rs. 6,07,000 while the education expenditure was Rs. 38,147 which is only 6 per cent of the income. So the percentage of income earmarked for educational expenditure has definitely gone down. It should also be remembered that the education expenditure includes the contribution from the zamindaris which is about 40 per cent of the total expenditure. So the State's contribution towards education is about 4 per cent of the State income, whereas in neighbouring British Orissa the expenditure on education is about 25 per cent of the income of the province.

As the latest Administration Reports are not available, a comparative study of the progress of the present state of education and public health could not be made. It is significant that no Administration Report of the State is published and made available to the public. People are therefore quite in the dark as to the real state of administation affairs.

To think of civil liberty in a State like this is absurd. Any outside person going into the State is watched and has to sign a register wherein the object of his visit has to be recorded. This speaks volumes as to how presonal liberty is suppressed and stifled. The State is completely under the arbitrary rule of the Ruler and it is no exaggeration to say that even social and family life is rigorously controlled by him. The system of trial of "private cases" being a definite instance on the point.

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## SERAIKELA STATE.

Area—449 sq. miles.

Population—1,38,671.

Income—Rs. 3,34,000.

Geographical situation—Adjacent to Singhbhum District of Bihar Province.

In spite of repeated requests made by the Committee, the Durbar did not condescend to render any help in the enquiry. Not only that, obstruction was placed in the work of the Committee in various ways. It is for this reason that the Committee carried on their work satisfactorily with regard to States which are approachable from the adminstrative provinces. The States which are not approachable could not be dealt with as properly as they should have been. Seraikela is one of such States. Nevertheless, the Committee have tried their best to peep into the dark corners as much as possible. The Ruler of Seraikela is the President of the Association of Rulers of the Eastern States Agency and very often he has made boasting declarations that assessment and many other conditions in the States generally and particularly in his State are much better than in the administrative provinces of India. We wish the honourable Ruler had not indulged in that boast publicly, for the facts, as revealed by enquiry, belie his declarations even with regard to his own State.

The following were the grievances of the people of Seraikela for the redress which they agitated in 1927-28.

1. A cess is realised for obtaining wood for making agricultural implements.

2. A fee is realised for reclaiming fallow land after clearing the forests—a system which was not in force before.

3. The boundary line of the forests has been drawn very near the village boundary and a grazing fee at the following rates is realised for grazing cattle beyond the forest boundary.

| | Rs. | A. | P. |
|---|---|---|---|
| (a) Per cow | 1 | 0 | 0 |
| (b) Per buffalo | 1 | 8 | 0 |

4. A cess is realised for trees on which 'lac' is cultivated, although no cultivation is made.

5. People are not allowed to sell the cultivated 'lac' to anybody except to the monopoly holder at the rate dictated by him and those who do not obey the rule are heavily fined.

6. The Chowkidari tax has been considerably increased.

7. The tanks excavated by the people have been confiscated to the State, and a cess at the rate of annas four per acre is realised for watering the land from these tanks.

8. There is a poll-tax on the industrial castes.

9. Besides the stipulated land rent, people have to pay extra at the time of payment of rent to the authorities.

10. Compulsory contribution at the rate of annas eight per rupee is realised on occasion of marriages and deaths in the Royal family.

11. A tenant having 20 *bighas* of land is not allowed to have more than two ploughs and bullocks for two ploughs.

12. The rate of land rent has been increased from Re. 1-9-0 to Rs. 2-4-0 per *bigha*.

13. Nobody hears properly any complaint made by the people. Sometimes the complainant is punished.

14. No payment is made for provisions supplied by the people.

15. The system of monopoly in salt, kerosine, etc., is in force in the State.

16. People are not allowed to collect *kendu* and *sal* leaves for their use. The *kendu* leaf is used for smoking tobacco and *sal* leaf is used to take one's food upon, in the villages.

17. Formerly there was no tax on homestead land. But now a tax has been levied.

18. People are very much oppressed by the police and forest officers.

These were the grievances which people wanted should be redressed, and agitated for it but the agitation was suppressed by punishing the leaders.

In support of the legitimacy of the grievances, we have it in the Administrative Review of the Orissa States submitted to the Government by the Political Officers:—

"In Seraikela, the Settlement operations were completed and the rent realised at the new rates. The enhancement averages at 63 % and since almost all the *panchas* and imposts have been retained, there has been considerable objection by the tenants particularly the aboriginals. The record-of-rights also contains innovations against which protests have been made and its amendment in some respects has been recommended to the Chief."

It is not known whether the recommendations of the Political Department had any actual effect, but it is a pity that they did not recommend anything with regard to high taxation which they realised.

"Pancha" mentioned in the quotations above means unpaid free labour and free compulsory contributions on various occasions for various purposes.

An original notice issued from the office of the Vice-President, State Council, Seraikale, dated the 4th September, 1938, which is now in possession of the Committee clearly proves that the system of "Pancha" is still in force. The above notice refers to *durga pancha.*

Then again an original notice issued over the signature of the Ruler himself on the 22nd January, 1936, proves how the State interferes in social matters.

It is regrettable that the above is the condition of the State of the President of the Association of the Rulers of the Eastern States Agency.

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## TIGIRIA STATE.

Area—46 sq. miles.

Population—24,680.

Income of the State—Rs. 45,000.

Geographical situation—Adjacent to Banki of the Cuttack District.

The Committee took evidence of Tigiria affairs on 26th September, 1938, at Cuttack. The Committee is in possession of enough documentary evidence proving the findings given below:—

**Bethi** :—Forced labour without wages is as ruthless here as in many other States. Road repairs, cutting boundary line, supply of fuel to the Royal family, harvesting the crops on the private land of the Royal family, attending Shikars, extinguishing fire in the forest, supplying food for elephants, attending Kheda operations; for all these works forced labour without wages is being realised. Earning members of the families have thus to devote much of their precious time to this thankless task which yields no return.

**Rasad** :—Forced supply of food-stuffs is prevalent in this State as well as in many other States. Whenever any Political officer or any distinguished visitor comes to the State, people are compelled to supply rations and other necessaries of life free of cost.

**Forest Rules** :—Although people pay a forest cess at the rate of one anna per rupee of rent, they are not allowed to get wood for the purposes of building houses or for making agricultural implements.

**Monopolies** :—There is a system of monopoly in kerosine, salt and other necessities of life. There are restrictions on export of agricultural produce preventing people from obtaining market prices for them.

That property is not safe in the State, is evident from the fact that one Ramachandra Sahu, who was in possession of some land inherited from his great-grand-father has been dispossessed of his property without any sufficient reason. The unfortunate man appealed to the Political Agent who sent back the appeal to the Ruler for disposal. Ultimately the aggrieved man received the reply from the Dewan that the land had been resumed.

Another glaring instance of arbitrary rule in the State is that of Sree Madhusudan Patnaik who was ordered to quit the State within 24 hours for his having taken part in the non-co-operation movement in 1921. The poor fellow ran from pillar to post for getting justice, but to no effect. While in British India, ex-convicts hold charge of administration in many provinces, one who took part in a non-violent political movement in British India cannot go back to his birth place in the State even now.

While on the one hand, the Paramount Power has been conferring more and more powers on the Rulers and declining to interfere in internal administration of the State, it is interesting to know how, on the other hand, the Rulers use the name of the Political officers to suppress the people. On the 21st September, 1938, the Dewan of Tigiria has circulated the following notice:—

"People of Tigiria are hereby informed that the Political Agent is at present trying to establish peace with the help of British troops in Dhenkanal where subversive activities are taking place.

You are, therefore, informed that if you attend any meeting now, then the Honourable Political Agent will take proper steps here, after finishing his work in Dhenkanal."

The mockery of showing off the Rulers of small States like Tigiria as sovereigns in their territories can go no further and the responsibility of the Paramount Power for the welfare of the people can no longer be evaded.

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## KEONJHAR STATE

Area—3,096 sq. miles.

Population—4,60,647.

Income—Rs. 9,79,000.

Geographical situation—In the south it is at a distance of 16 miles from Jajpur Road Station, and in the north adjacent to Singhbhum District, Bihar.

Keonjhar is the third largest of the Orissa States both in area and population. Aborigines form 40 per cent of the population; and this gives an added significance to a study of this State. Bhuiyans, Bhumijas, Gandas, Kolhas and Panas are the tribes living in different sections of the State.

Keonjhar is very rich in forest resources and in iron and manganese ores. Messrs. Tata Iron and Steel Company and Messrs. Bird and Co. are the principal lessees in respect of both these ores. The Tatas are carrying on extensive operations and have built a meter gauge tram line in their leased area.

Raja Gadadhar Narayan Bhanj Deo was created a Maharaja as a reward for his services rendered to the East India Company in 1857. He was succeeded by his son Dhanurjay Narayan Bhanj Deo in whose regime there were several risings and rebellions. After quelling the Second Bhuiyan rebellion in 1891, the British made an inquiry into the causes, and appointed an Agent "to assist and advise the Maharaja." The Agent remained in power for ten years. Dhanurjay's son, Gopinath Narayan Bhanj Deo succeeded in 1905, but resigned in 1907. The State was administered by Government for twenty-two years. The present Ruler, Raja Balbhadra Narayan Bhanj Deo was installed in 1929 when the State was released from Government administration.

**Theft of Documents** :—Coming now to a consideration of the social and economic conditions of the people, and the disabilities under which they are labouring, and more particularly, the aborigines, we find that they are many and varied. These aborigines were the first to evince a keen interest in the work of the Committee, and the Questionnaire attracted several replies from various parts of the State. The evidence tendered by the witnesses gave a complete picture of the conditions prevailing therein. But, as stated in a previous chapter, the Keonjhar file of papers was stolen by Mr. Brindaban Dhal of Dhenkanal. Within a month this file found its way to Keonjhar, and immediately afterwards the witnesses were victimised. Various false charges were brought against them, and almost all were convicted. Kirtan Behari Mahanti and Narayan Chakra were sentenced to terms of two years each. Hare Krushna Mahanta, the leader of the Kurmis, Rangadhar Misra and Jagabandhu Chakravarti met the same fate.

Further, between February and October 1938, half a dozen meetings were held in different parts of the State with the object of discussing the people's general grievances and of "humbly" submitting a collective petition to the Ruler. Some of these meetings were held after the required information was given to the police, and yet everyone of them was dispersed with *lathi* charges and many were chased into their villages and beaten. Nearly twenty men have been put into prison on some charge or other. A collective petition to the Raja has therefore been effectively prevented. Police have been posted in the border, service bus is detained, and ingress and egress are so regulated that the people of the State have no contact with the outside world. Postal correspondence is intercepted and misappropriated. Keonjhar is truly a water-tight compartment, as the Political Department and the Rajas want the States to be.

**Evidence** :—Due to this strict vigilance in the border, it was impossible for any witness to appear again before the Committee. However, the Committee is in possession of materials sufficient for a proper study of the conditions prevailing in the State.

**The Forest Cess**:—Prior to 1910 the forests were free for the use of the people without any interference. In 1910 a cess of two annas per acre of water lands and one anna per acre of uplands was levied. This works out at about 10 per cent of the land rent. In addition, a grazing fee of two annas per cow and four annas per buffalo is collected. The way it affects the peasant is best described in his own words:—

"By paying the forest cess we enjoyed the privileges of collecting fuel, wood for ploughs and other cultivating implements, bamboos, creepers and *chhana* (a wild grass) for thatching, and all other household and agricultural requirements free of any other charges. Between 1914 and 1937 additional fees were charged for everything we extracted from the forests. It is therefore seen that all our rights and privileges have been taken away from us. In the beginning of this policy there were only hints from the higher officials. But, since 1938 the Forest Officer has forbidden the collection of anything from the forest without payment of fees. The servants of the Forest Department are the foremost in taking bribes." This hardship is felt most by the aborigines as these people depend more on the forest than on agriculture to make their living.

**The Hospital Cess**:—A cess was levied in 1915, and is collected at the rate of half anna per rupee of rent, *i.e.*, about 3 per cent on land rent. There are four hospitals and three dispensaries, which are certainly insufficient for the needs of nearly ten lakhs of people. Medicines are rare for the ordinary villagers. They are reserved for the Raj family and for the officers. The evidence produced before us proves conclusively that the villagers derive no benefit from the payment of this cess. The benefit is enjoyed by the Raj family and the officers and the gentlemen of the town. What is true of Keonjhar is true of all other States.

**Rasads**:—It is stated in the Record of Rights that "nor one should supply *rasad* (provisions) without payment, and that everyone should supply these according

to market rate." But in actual practice, no officer observes this rule. Individuals have complained against this, but to no effect. One of the witnesses had failed to supply *rasad* and was severely beaten. His appeal to the Political Agent in 1922 did not bring him any relief. One group of witnesses state on this question :

"We supply rice, *dal*, ghee, salt, vegetables, oil, milk, chicken, eggs, goats, etc., and a cash of one anna per householder for spices. Not a single pie is paid to us, and if we complain, we are severely dealt with, and are marked as conspirators. We are made to sign vouchers without receiving money. This is the practice of every officer, high and low."

The case of the ignorant aborigines is also stated by one of their spokesmen :—

"The State pays salaries to the Foresters and the Guards. They never spend their own money, but regularly feed on the people. The servants tour thrice in the month. If we refuse to supply provisions to them, they search our houses, prosecute us and collect compensations. *The Foresters, Guards, and even the Range Officers levy a regular share out of every kind of our crop.* When we go for permits for fuel wood and timber for ploughs, the Forester takes Rs. 5 and the Guard Rs. 4 for every collective permit of a village."

Shikar beats are held not less than forty times in a year. Generally, a shop-keeper accompanies the camp, and the peasants buy from him flour, sugar, spices, salt, cigarettes, matches, whisky, brandy, soap and scented oil and supply the officers. Fines are collected by the officers for failure to supply *rasad.*

**Magan**, (forcible contributions) :—*Magan* is levied per rupee of rent on the following occasions :—Two annas for birth in the Raj family, four annas for death, four annas for thread ceremony, one anna for *yagna* (sacrificial fire), and four annas for marriage. During the last twenty years *magans* were collected for erecting a statue of the

late Raja, for the Tokyo fire, the proceeds of the fund being spent in building a Town Hall, for the coronation of the late Emperor, for Jubilee, for Tuberculosis fund, for Leprosy Fund and for the farewell function of Sriman Chhotrai, the Raja's brother, on the eve of his trip to England, and for thread and marriage ceremonies of the present Raja.

**Bheti.**—Money presents are paid by the *padhans*, and other Headmen according to the amounts of revenue collected by them. It ranges from eight annas to Rs. 2-4-0.

The peasants have to herd as many as twenty of their cows to a camp to supply milk. Cows are also taken to Dak-bungalow for high European officers. The herder is paid a few pice for his food, but the owner is not paid for the milk.

This is not the end of their contributions. For an elephant *kheda* the peasants supplied, about eight years ago, straw, hay, sugar-cane, plaintain and bundles of paddy from the threshing yard. They supply stones and pebbles for road—and bridge-building without payment. This system came into vogue in 1922.

There is also a sales tax of Re. 0-4-0 per cow and Re. 0-8-0 per buffalo.

**Bethi.**—Forced labour without payment is exacted for (1) construction and maintenance of roads, (2) *shikar*, (3) extinguishing forest fires, (4) building camp huts, (5) carrying baggages, in headloads and cart loads, of officers, such as, overseers, kanungos, foresters and others. Inability to leave the field and go for *bethi* work is rewarded by physical punishment. Every householder puts in about thirty days per annum in *bethi* work. With prevailing wages at two annas per day the labour put in thus comes to nearly Rs. 4.

**Education Cess.**—This cess is levied at the rate of three quarters of an anna per rupee of rent; *i.e.*, about 4½ per cent on land rent. The institutions are, one High

School, one Middle English, two Middle Vernacular, seventeen Upper Primary, eighty-three Lower Primary Schools, one Sanskrit Tol and two Maktabs. The Administration Report of 1936-37 gives the number of villages per school as eighteen, which is far from satisfactoy. With such an insufficiency of schools, compulsory education works as a hardship.

**Land Rent.**—Prior to 1897 the rent for first class land was 8 to 10 annas per acre. By the new Settlement in 1915-16 there was a re-classification, and the rent was trebled. The State is divided into two parts, Upper Keonjhar adjacent to Singhbhum District and Lower Keonjhar bordering on Cuttack and Balasore Districts. The rates of rent are as follows:—

| Class of land | Rent per acre | |
|---|---|---|
| | Upper Keonjhar | Lower Keonjhar |
| | Rs. A. P. | Rs. A. P. |
| 1st class water land .... | 1 12 0 | 3 0 0 |
| 2nd ,, ,, ,, .... | 1 4 0 | 2 12 0 |
| 3rd ,, ,, ,, .... | 1 0 0 | 2 0 0 |
| Sugar-cane field .... | | 2 8 0 |
| 1st class *Goda* (upland) .... | 0 11 0 | 2 2 0 |
| 2nd ,, ,, ,, .... | 0 5 0 | 1 12 0 |
| 3rd ,, ,, ,, .... | 0 2 0 | 1 4 0 |

Many complaints were filed against this enormous enchancement in twenty years, but the authorities paid no attention to these. These rents are higher than the rents

prevailing in the neighbouring Cuttack and Balasore Districts on one side, and in Singhbhum District on the other.

Added to the high rents are all the taxes and cesses described above and the cost of *bethi* labour. A conservative estimate of the money value of these, increases the land rent by at least 40%. The Committee is of opinion that the contention of a former Political Agent, mentioned in our report on Athgarh, that the rent in the State being lower than in the British Orissa Districts, the people must render *bethi*, is a total myth.

**Civil Liberty:**—Shortly after his installation, the present Ruler circularised a proclamation that a number of people cannot get together and discuss State matters, and that any infringement would be serverely dealt with. The dispersal of the meetings described in the early part of this report, and arrest and detention of many workers enrolling members for the Orissa States People's Conference indicate that this circular is still in force. People are denied even the right of organizing a *seva sangha* (social service league). Two of the organizers of such a league, Narayan Chakra and Kirtan Behari Mahanti were promised an interview with the Raja, but were arrested before the appointed date.

**Administration of Justice:**—Every witness appearing before the Committee cited case after case and documentary evidence in support, that justice is an extremely rare article in this State. Cases drag on for months and years. The judgments of Lower Courts are rarely reversed in appeal. Appeals to the Political Agent bear no fruit. On the contrary, such appeals mark out the appellants as mischief-makers, and they are notified that "if they would behave in such manner, they would be deported out of the State." The Committee sees no reason to disbelieve these allegations, and considers it appropriate to quote, in this connection, from the statement of a group of aboriginal witnesses :—

" In addition to the above answers we are describing here certain details from which you will readily see how miserable is our lot; and we trust you will be in a

position to mitigate these evils, and to alleviate our sufferings and humiliations.

"1. **Forced labour for Shikar beats**:—Raja Saheb communicates, by telephone, his desire to start for Shikar, to the Ranger, the Forester and the Garhnaik. Paiks are sent by the Garhnaik to fetch *bethias* (forced labour); and all the subjects are immediately imprest into service. We are present at the spot two or three days before the actual date of Shikar. Before going to the jungle area selected for the beat, some of us may be cooking, others may be eating, others may have just taken down the pot of cooked rice from the fire, and still others may be eating *chura* or *murdhi* (flattened rice and puffed rice). The Foresters and the Guards then appear on the scene, throw away the rice on the leaf dishes and the rice pots, and drag the men. The beatings that come to our lot on such an occasion cannot be described. You will please judge this matter: and if you require witnesses, we shall produce them.

"2. **Illegal gratifications taken by the Police**:—If a man is drowned, or if a man has been taken away by the tiger, the village Chowkidar lodges the information in the Thana, and the villagers have to pay Re. 1-4-0 at once. The police then come for inquiry and collect Rs. 5 from the dead man's family and Rs. 5 collectively from the whole village. On the villagers' refusal to put up the amount of Rs. 10 the police declare that "all the villagers have killed the man," and hold out many threats to cow us down. We, therefore, pay the sum. If you require witnessess we shall produce them.

"3. **Atrocious punishments during rent collection**:—Beginning from the first day of Magh, the Sub-Divisional Second Officer, the Tahasildar, the Garhnaik, the Paiks and the Peons, all come and get hold of the Padhan (headman). They demand all the rent including the 'sixteen anna' *kist*. The Padhan points out that no collection has been made. The Garhnaik then orders the Paiks and the Peons, 'Fetch the Padhan and all the subjects to me.' The order is duly carried out; and the Padhan and the subjects, on reaching the quarters occupied by the Garhnaik and Tahasildar, find in front a thick

wooden pole driven into the ground, which is used to tie the defaulting tenants. He then inquires about rent, and when we reply that we shall pay up on selling our *rabi* crops, he orders the Paiks, 'Take the Padhan and the subjects, tie them to the post with hands tied up at the back, hang a *thuluka* from the neck, and load a 9-seer stone on the head.' The Paiks scrupulously carry out these orders and make us carry heavy stones. The pain becomes unbearable, and we cry and say to the Garhnaik, 'You may auction our lands, cattle, buffaloes and collect all the rent.' We are then released, and the Garhnaik goes to our village and puts our belongings to auction. An article worth Rs. 20 is knocked off for Rs. 10, and the Garhnaik himself buys it. Such are our miseries. We, the Bhuiyan subjects are suffering all sorts of hardships since the installation of the Raja, who turns a deaf ear to our complaints. We now present our grievances to you; *and unless you remedy these conditions, the Raja will inflict heavy punishment on us and will drive us out of the State.*"

**Interference in Social Matters**:—The State appoints caste *beheras* (headmen) in supersession of the heads elected by the members of the caste. Then there is a supreme head over the caste *beheras*. This system exists not only to extort money from the people, but to render many as outcaste. Some aboriginal women, who had once gone astray, have been outcasted, contrary to the old rules of the caste. Harekrushna Mahanta, the leader of the Kurmi caste, who had been initiating social reforms, was elected Secretary of the Kurmi Association. But, the State authorities appointed a 'safe' man in his place. It is therefore seen that this innovation of State interference in social matters stands out as an impediment against social progress.

**Tax on bicycles**:—There is a tax on bicycles, and then there are many rules concerning this vechicle, the infringement of any of which results in heavy fines.

In conclusion, the Committee is constrained to sound a note of warning that these deplorable conditions call for immediate and effective remedy. Failure to take such steps is bound to have serious results.

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## PATNA STATE.

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Area—2,511 sq. miles.
Population—5,66,924.
Income—Rs. 9,07,000.
Geographical situation—Adjecent to the District of Sambalpur.

Patna is one of those States which are not easily approachable from any of the Districts of the Orissa Province. Consequently, it was extremely difficult to get into touch with the people there and know their conditions. The Committee is thankful to the Durbar of Patna for having kindly supplied a copy of the Administration Report.

But, in the course of the Committee's work, the time spirit began to work in far off Patna. People began to hold meetings and discuss their grievances. On the 28th September, 1938, about 2,000 people went to the palace to present a petition seeking redress of many of their grievances. Since the Maharaja was absent, these thousands of people waited for two days till the Maharaja returned. The Maharaja gave a patient hearing to what the people said, and promised consideration of the matter; but up till now nothing is known of the result of the promise. Probably it was submerged in the moving up and down of the military troops supplied by the British Government to suppress the people of the States. Nevertheless, the petition that was submitted to the Maharaja gives an idea of the conditions in Patna, and we simply give below the summary of the petition.

1. The present Settlement has enhanced the land rent by about 50%, and on account of the economic depression, it is extremely difficult to pay rent at this high rate.

2. Restriction on sale of agricultural produce increases the difficulty.

3. (a) In spite of the high rate of rent, people have no right over land. The system of obtaining permission before transfer of land and payment of fees makes sale of land difficult.

(b) For nominal arrears of rent valuable land is sold without any regard for the tenant and his family.

(c) Even after sale, if one manages to pay up the arear, heavy rate of interest and cost of the sale proceedings are charged against him.

(d) If the Gountya or rent collector cannot pay his revenue to the State in time, first his movable property is attached and he is dispossessed of his own cultivated land. This system was not in force previously, and it is newly introduced causing hardship to the Gountyas. In the recent Settlement many of the rights of the Gountyas have been taken away.

(4) Although forced labour has been abolished, still we are required to repair roads by *bethi*. For this *bethi*, people have to suspend their agricultural work.

5. The system of *rasad* was in force previously, and it still prevails, in practice. Formerly we used to supply provisions occasionally. Now we are required to pay a cess for it along with our land rent.

6. There is a system of custom duty on salt, kerosine, cloth and other necessary articles, as a result of which, the prices of these are higher in the State than outside.

7. There is an export duty on agricultural produce which affects the peasant more than the import duty.

8. The agriculturist has to pay a tax for presenting his articles for sale in any market, even though he may not sell them.

9. There is a grazing fee.

10. People do not get enough wood from the forests even for their agricultural implements.

11. People are not allowed to kill wild animals damaging their crops.

12. People may be given some share in the administration of the State.

The above summary will show that the conditions in Patna are almost the same as in most of the Orissa States. But the personal virtues of the present Ruler are responsible for many nation-building works in the State, such as hospitals, leper asylums, cattle-development, etc. But, for whom are these works meant, if the peasantry is ruined? However much one may be inclined to praise the Ruler for his benevolent activities, the fact remains, that there is always the attempt to increase the income of the State, no matter what happens to the peasantry. It is for this reason that the Committee is against the whole system as it is.

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# MAYURBHANJ STATE

Area—4,243 sq. miles.

Population—8.89,603.

Income—Rs. 29,41,000.

Geographical situation—Bordering on Singhbhum District in the north, Midnapur in the east and Balasore in the South.

Mayurbhanj is the biggest State in Orissa and its income also is the largest. Mayurbhanj has a tradition wholly different from that of any other State in Orissa. This tradition was built by the late Maharaja Sriram Chandra Bhanj Deo whose reputation as a good Ruler, was unquestionable.

Mayurbhanj can claim to have a rule of law, and the people are in no fear of something happening to them without any process of law.

Even in Mayurbhanj, which is undoubtedly the most advanced State, until very recently, people had no freedom to hold meetings and form political associations. Only when trouble began in many other States in Orissa, the authorities of Mayurbhanj recognised the time spirit and allowed meetings and associations. A sort of representative institution also was introduced. But this scheme does not transfer any power to the people, nor does it enable them to participate in the administration of the State in any way. It is unfortunate that the noble tradition of Mayurbhanj did not go as far as conferring some powers on the representatives of the people with regard to administration and the budget of the State.

From the view-point of popular movements, Mayurbhanj is fortunate to have a population 76 % of which are aboriginals. As it happens usually, these

people are dumb, although the burden falls heavily upon them ultimately.

The Committee was surprised to find that a number of Kolhas and Bathudis appeared before it at Balasore to speak out their grievences in their simple and guileless manner. These aboriginals came to Balasore after covering a distance of "three days' journey"—no other measurement could they express! Hardy people as they are, they must have covered at least 30 miles a day.

Their grievances are as follows:—

1. We pay annas four *per month* per family as fuel fee.

2. We pay annas 2 per head per each cow for grazing our cattle in villages other than ours.

3. We pay a fee of annas 4 per head when we sell our cows.

4. We pay *rasad* to the State officers and also during Shikar.

5. We do *bethi* for repair of roads, construction of school houses and State bungalows.

6. We are not allowed to take our carts on the main roads which are meant only for motor cars.

7. We pay a fee for obtaining *sal* wood for agricultural implements worth annas four per yoke of oxen.

8. We pay Chowkidari tax varying from annas 2 to annas 5.

9. We pay road cess at the rate of anna one per rupee of rent.

10. We pay a marriage tax which ranges from annas 4 to annas 8.

11. We pay a cess of annas 12 for *tassar* cultivation.

Examined by the Committee, the aboriginal witnesses expressed that they were not aware of any arrangement for medical aid even during epidemics. They knew there was a school at a distance of about ten miles from their village.

Evidently the 24 % of the Oriya population in Mayurbhanj, who are vocal, are quite satisfied with the administration, though at the cost of their much less advanced aboriginal brethren. Although this may be a nice policy from the stand-point of administration, humanity requires that much more attention should be given to improve the lot of the aborigines, who might not protest now, but when they would begin to protest, it would be extremely difficult to meet the situation.

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## KHARSAWAN STATE.

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The Committee regrets to mention that it could not collect information supported by dependable evidence about Kharsawan. But, although detailed information on various points has not been available, it may safely be said that the conditions in this State are more or less the same as in most others.

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# APPENDICES.

# APPENDIX I.

## ORISSA STATES ENQUIRY COMMITTEE.

## FIRST QUESTIONNAIRE.

### QUESTIONS ON THE TERMS OF REFERENCE.

(a) *Grazing rights and forest rights in general :—*

1. Is forest cess levied in your State?
2. If so, at what rate per rupee of rent?
3. When was the cess first introduced?
4. What are the privileges in the forest that the cess entitles you to?
5. Is the levy of the cess mentioned in the Record of Rights which was granted to the subjects of the State?
6. Is there likewise, a mention of the privileges conferred in return for the cess?
7. Please submit a copy of your Record of Rights or any other circular or notification that the State has issued in this respect.
8. Describe briefly the various items of forest rights that you still enjoy, as also that you have lost.
9. If such rights have been resumed by public notifications, please submit original documentary evidence.
10. Are grazing rights included in the rights conferred under the forest cess?
11. If not, are there special fees collected for grazing?
12. How are these rights restricted and what are the disabilities the subjects work under?
13. Have you made your grievances known to the authorities and to the Ruler in writing?

14. What are the orders passed ?

15. Submit such petitions and orders thereon in original, or failing that, submit true copies.

*Levy of hospital cess and medical facilities* :—

16. Does the State levy a hospital cess ?

17. If so, how much per rupee of rent and since when ?

18. What are the services promised in return for this cess ?

19. Submit a copy of any public notification issued in this respect.

20. How many hospitals are there in the State ?

21. How many dispensaries ?

22. Do the Medical Officers or any special Heath Officer tour all over the State regularly to give instructions on health and sanitation of the village, and to watch over the same ?

23. In times of epidemics, do the Medical Officer or his subordinates go to the locality immediately to render assistance in checking the spread of the disease ?

24. Are the medical facilities adequate ?

25. If not, in what respect are they inadequate ?

26. Give details with documentary evidence, if any.

*Restraint on free export of paddy and rice and of Rabi crops* :—

27. Is the export of paddy and rice, as also of *rabi* crops completely prohibited, or is license issued on payment of a fee ?

28. Is the fee collected regularly through the Courts or through some private agency ?

29. Give details of the amounts of fee and all documentary evidence regarding this restraint that has prevailed during the last twenty years.

30. Is the restraint order general or occasional during the periods of impending famine and scarcity ?

31. What are the approximate quantities of the different produce exported every year from your State ?

32. Is there a system of fines or penalties for the infringement of the restraint orders ?

33. Has it been publicly notified, or is it collected according to the whims of the official or private agency concerned ?

34. Approximately how much is collected per year ?

(*d*) *Rasad (provisions), magan, bethi, etc* :—

35. Are you required to supply *rasad* to the Ruler and to the officers, high and low, while they are on tour ?

36. Is there any regulation in this respect ?

37. Submit documentary evidence.

38. Do you supply *rasad* for the Ruler and all officers and gentry, while the Ruler goes for Shikar and Kheda operations ?

39. What are the kinds of *rasad* and their approximate quantities ?

40. How many times in the year are Shikar beats and Kheda operations held ?

41. How many times do the various officers tour in your locality and how long do they stay ?

42. Do you have to supply *rasad* that is not a produce of your locality ?

43. If so, from what distance do you obtain such *rasad* ?

44. Is there any penalty or fine collected by the State or by the officers privately for failure to supply *rasad* ?

45. Can you give the approximate total quantities of *rasad* supplied by your village in one year for the Ruler and for all the officers, and the total value of the same ?

46. Is there any concession or grant of land or privilege which you enjoy in lieu of supplying provisions or rendering *bethi*?

47. Is there a system of *magan* in your State?

48. If so, what are the occasions on which the State levies a *magan*?

49. What is the rate of *magan* per rupee of rent?

50. Give in details the various occasions during the last twenty years when you have paid *magan*.

51. Have you paid any *magan* for occasions other than a marriage or death in the Raj family?

52. Give specific instances and the amounts paid.

53. Is the payment of *magan* or subscription voluntary or compulsory?

54. What is the system of *suniya bheti* in your State?

55. Are all the Sarbarakars required to present *bheti*, or only selected gentlemen of the State?

56. If the Sarbarakars present *bheti*, is the amount fixed per Rs. 100 of revenue or any other basis?

57. Do the Sarbarakars later on collect the sums from the tenants of their respective villages at the time of the *kisti*?

58. Has there been any change in the *bheti* system during the last twenty years?

59. If so, give details of the old and the new systems.

60. Give details of any other collection which is made under compulsion.

61. Are there occasions when you have to drive your milch cows to the Head-quarters to supply milk for the guest of the Ruler?

62. How often do you do that in the year?

63. Can you give the number of cows required on such an occasion ?

64. Are you paid anything for the supply of milk ?

65. For Kheda and for the captured elephants are you required to supply without payment, paddy, straw, sugar-cane, banana, plants, jute, etc. ?

66. If so, can you give an idea of the approximate total price of all the materials supplied for a Kheda ?

67. Are you required to supply building materials, such as bricks, stones, ghooting or lime, timber, etc., for building palaces, power houses or any public buildings, and road materials, such as metal, timber and stones for bridges ?

68. If so, please give details and the years of supply.

69. Are you required to transport any or all of the above materials in your carts without payment ?

70. Have there been any fines or penalties for failure on your part to carry out the orders ?

*(e) Not recording evidence in Court cases :—*

71. Give details of such instances.

72. Did you complain to the Magistrate or the Judge about it orally or in writing ?

73. What were the orders ?

74. Give documentary evidence, or failing that, can you produce witnesses to substantiate your charges ?

*Lack of facilities for defence in Court cases :—*

75. Are there Pleaders or Mukhtears practising in your State ?

76. If not, are the parties permitted to take Pleaders from outside the State ?

77. Is there any order prohibiting the engaging of Pleaders ?

*(f) Trade monopolies of Salt, Kerosine, Pan (betel leaf), Bidi, Meat, Cane-crushing mills, etc. :—*

78. Are these licenses sold in auction like those for hides and skins, tamarind, opium, etc. ?

79. Since when have such licenses been sold ?

80. Give the license amount for each item in your State for the year 1937-38.

81. Give comparative prices of the monopoly articles, such as salt, kerosine, etc., now prevailing in your State and in a neighbouring town or village in British India.

82. Give approximate prices during the pre-monpoly years.

83. Does the license or monopoly-holder supply articles of the same quality as you used to purchase before the monopoly was established ?

84. Is there a steady supply of the various monopoly articles or are there periods when you feel a scarcity ?

85. Is there any instance of the Rulers granting monopolies of salt, kerosine, etc., to one of his favourities who operates privately without any payment of license fee to the State Treasury ?

86. Describe briefly if there are any gross abuses arising out of these monopolies ?

87. If so, describe them briefly.

88. Have you ever brought these to the notice of the authorities ?

89. What remedial measures were ordered ?

90. Besides the above major monopolies, are the following minor imports and produce from the land within the State sold as monopolies ? :—

Minor imports . . . . . . . smoking and dental tobacco, washing soda, soap, cocoanuts and any other produce from

land in the State........leaf-tobacco, jute and any other.

91. Is there any trading tax, such as (1) on sale of cows and buffaloes, (2) on bullock carts plying for hire and any other.

*(g) Bethi (Unpaid forced labour) with regard to Shikar, road-making, extinguishing fires and other purposes :—*

92. What are the purposes for which you are required to perform *bethi*.

93. State all the items including carrying luggage, etc., of touring officers.

94. Do you perform *bethi* in cultivating, watching, harvesting and other operations in the farms and orchards belonging to the Raj family ?

95. Can you give approximately the total number of days each householder performs *bethi* during the year ?

96. Is the *bethi* hardship more severe now than it was twenty years ago ?

97. Are you required to perform *bethi* work in road-making, in the erection of public buildings and palaces, power houses, ærodromes, æroplane landing grounds, etc., which are usually done by the Public Works Department of the State ?

98. Give details of any or all such works performed in your State during the last twenty years, mentioning the year against each item ?

99. Are there any occasions during the paddy cultivating and harvesting seasons when you are called upon to perform *bethi* ?

100. Have you paid any fine or penalty for your inability to leave your own paddy field ?

101. Can you state approximately the number of men required for a Shikar beat ?

102. How many days have these men to be absent from home.

103. Are there Shikar beats in the hot summer months?

104. If so, does the State make any arrangement for the supply of drinking water?

105. Can you state approximately the number of men required for a Kheda operation?

106. How many days in all have the men to work in Kheda?

107. Has this ever interfered with your paddy harvesting?

108. Are you ever paid for any work?

109. If so, how much per day?

110. What is the daily wage in your locality?

111. Are you ever supplied with food while performing *bethi*?

112. Are there instances of beating, if a man is unable to do certain kinds of work due to ignorance, or if he cannot work quickly, or if he is late in his attendance, or for any other reason?

113. Are fines collected for failure to perform *bethi*?

114. Give instances, amounts of fine and documentary evidence.

115. Have the Durbar made any declaration lately abolishing *bethi* and levying a cess in its place?

116. If so, when, and what is the amount of the cess per rupee of rent?

117. After the declaration of the abolition of *bethi*, are you required to perform *bethi* for any purpose or purposes?

118. Give details for comparison with *bethi* prior to the declaration.

119. Please submit a copy of such public declaration and documentary evidence to prove that you are performing *bethi* even after the payment of the cess.

120. Did you appeal against the levy?

121. What was the result?

(h) *Demand of premium on mortgages of Rs. 8 per Mana and of Rs. 10 on sales in some of the States :—*

122. Do you pay any premium to the State on mortgages and sales of land?

123. If so, how much per *mana* of land for mortgages and how much for sale?

124. Besides the above regular amounts is there any illegal gratification paid to any one privately?

125. If so, how much and to whom?

126. Is the illegal gratification voluntary or compulsory?

(i) *Interference in social matters :—*

127. Does the State interfere in your social matters, such as marriages and deaths, organization of caste for its betterment and uplift?

128. What are the other social matters in which the State interferes?

129. Are there any fines collected in these cases?

130. Give specific instances, amounts of fine and documentary evidence.

(j) *Interference with educational budget, and demand on the people to build and repair schools despite the levy of an education cess :—*

131. Do you pay any education cess?

132. If so, how much per rupee of rent?

133. Is the cess meant only for primary education or for higher education also?

134. How many High Schools, Middle Schools, Middle Vernacular, Upper Primary and Lower Primary Schools are there in your State ?

135. Is primary education compulsory ?

136. Is the amount collected as education cess sufficient for all education or only for primary education ?

137. If not, does the State also contribute towards the education budget ?

138. How much ?

139. How is the education budget interfered with ?

140. Is part of it used in other departments ?

141. Is part of it spent for the education of the relations of the Ruler or any of his favourites ?

142. Can you produce any evidence to prove this allegation ?

143. In spite of payment of the education cess do you build and repair schools, boarding houses and teacher's quarters ?

144. Do you maintain them every year without any payment from the State ?

145. Is there a system of fines collected owing to absence of pupils from school ?

(k) *Increase of rent after resettlement by 200 to 300 % in some of the States :—*

146. When was the last resettlement carried out in your State ?

147. What was the rent per *mana* or acre of 1st class, 2nd class, 3rd class, orchard and homestead lands before and after resettlement ?

148. If the increase is exorbitant, did you individually or collectively complain against it to the authorities ?

149. What was the result ?

(l) *Occurrence of unspeakable events arising from a certain morbidity of taste and temperament :—*

150. Do you suffer from any social disgrace or forced moral depravity owing to the whim and rapacity of the Rulers or their relatives and favourites ? If so, please give instances.

Besides the above items, if you have any other important grievances affecting all the people of the State or large sections thereof, please describe them briefly with documentary evidence.

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# APPENDIX II.

## ORISSA STATES ENQUIRY COMMITTEE.

## SECOND QUESTIONNAIRE.

1. *Rule of Law:—*

(a) Existence of Laws.

(b) Codification and publication.

(c) Laws within reach of the people.

(d) Qualified lawyers.

(e) Outside lawyers allowed.

(f) Independent and qualified judiciary.

(g) Inteference by the Executive in judicial affairs.

(h) Right to sue the State.

(i) Right to prosecute officials.

2. *Freedom of the Press:—*

(a) Press Law.

(b) Printing Presses.

(c) Newspapers freely allowed.

(d) Restrictions on books and publications.

(e) Restrictions on the distribution of leaflets

3. *Freedom of speech and Association:—*

(a) Public meetings.

(b) Public Associations.

(c) Public Processions.

(d) Freedom for the enrolment of members for public bodies.

(e) Freedom for the collection of subscriptions for public purposes.

4. *Security of Property*:—

(a) Confiscation of property without legal process

(b) Vagaries of town-planning schemes.

(c) Ownership of homestead land.

5. *Personal Liberty*:—

(a) Detention without trial.

(b) Freedom of movement.

(c) Orders of Deportation.

(d) Corporal Punishment.

(e) Habeas Corpus.

6. *Security of State Service*:—

(a) Regular Cadre for Public Service.

(b) Pension or Provident Fund.

(c) Competitive Examinations.

(d) Nepotism in Recruitment.

(e) Security of Tenure for Public Servants.

(f) Auction of Posts in State Service.

(g) Well-defined work.

7. *Social Reform*:—

(a) Restrictions on the freedom of the caste *panchayats*.

(b) Widow marriage without State permission.

(c) Forced marriages.

(d) Child marriage.

(e) Creation of new social offences.

8. *Illegal dues and Services*:—

(a) Bethi.

(b) Magan.

(c) Rasad.

(d) Sunya bheti.

(e) Illegal Exactions.

(f) Imposition of penalties for failure to pay illegal exactions.

9. *Monopolies*:—

(a) What necessities of Life under Monopoly.

(b) How Price Level is Affected.

(c) Hardships due to this System.

(d) State Income through this source.

10. *Jails*:—

(a) Diet.

(b) Clothing.

(c) Medical Help.

(d) Housing arrangements.

(e) Severities of Punishment.

(f) Supervision.

(g) Cruelties.

11. *Forest Rights*:—

(a) Severity of Forest Laws.

(b) Rights Withdrawn.

(c) Levy of Fees.

(d) Hardships.

(e) Restrictions on Grazing Facilities.

12. *Land Rights*:—

(a) Occupancy Rights.

(b) Right of Sale and Mortgage.

(c) Restrictions on Inheritance Rights.

(d) Confiscation without Justification.

(e) Increments in Assessments.

(f) Comparative rent rates with neighbouring British India villages.

(g) Incidence of land-rent per acre of land under cultivation.

(h) Incidence of land-rent per head of population.

13. *Freedom of Trade*:—

(a) Monopolies.

(b) Licenses.

(c) Embargoes.

(d) Trade Unions and Guilds.

14. *Taxes and Cesses*:—

(a) Name and Number.

(b) Income from each.

(c) Incidence of taxation per head of population.

(d) Comparative rise in taxation.

(e) Comparative incidence of taxation per head of population in the State and neighbouring British Indian Area.

15. *Industries*:—

(a) Factories.

(b) Labour.

(c) Labour Welfare Laws.

(d) Royalties.

16. *Statistics* :—

(a) Area.

(b) Population.

(c) Villages.

(d) Density.

(e) Revenue.

(f) Expenditure.

(g) Schools.

(h) Number of Pupils.

(i) Dispensaries.

17. *Nation-building Activities* :—

(a) Expenses on Education.

Income from Education.

(b) Number of Students.

(c) Expenses on Medical help.

(d) Number of Patients.

(e) Expenses on Municipalities, *Punchayats* and Local Boards.

(f) Number of—

Municipalities———

Local Boards———

Punchayats———

(g) Total Expenses on Nation-building Work.

(h) Percentage of the Total State Income.

18. *Expenses on the Royal Family* :—

(a) Fixity of Privy Purse.

(b) Royal Expenses in other Departments.

(c) Crown Lands Income.

(d) Other Income to the Raja's Treasury.

(e) Total Income of the Raja.

(f) Percentage to the Total State Revenue.

19. *Representative Institutions* :—

20. *Systematic Accounting and Independent Audit* :

(a) System of Accounts.

(b) Independent Audit.

(c) Irregularities and Vagaries.

(d) Administration Report.

(e) Census Report.

21. *Unspeakable and Unmentionable Events* :—

(a) Rape.

(b) Sodomy.

(c) Cruelties on private parts.

(d) Torture.

(e) Murders.

(f) Assaults.

(g) Beatings.

22. *Miscellaneous* :—

(a) Tampering with mails in the Post-Office.

23. *History of the Popular Movement* :—

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# APPENDIX III

## IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

*The 13th July, 1881.*

## Criminal Jurisdiction.

CUNNINGHAM J :—

This case comes before us in the exercise of our powers of criminal revision.

The facts as set out in the petition of Hursee Mohapatter are as follows :—

A complaint was preferred to the Rajah of Mahurbhanj, charging the petitioner and two others with libel. Thereupon the Rajah issued summons and warrant through the Magistrate of Midnapore for the attendane of the accused, who are residents of that district. The accused petitioned Mr. Price, the Magistrate of Midnapore, that the case should not be tried by the Rajah; the Magistrate forwarded* the petition to the "Superintendent of the Tributary Mehals" (a post occupied by the Commissioner of Cuttack), and he addressed† the Rajah requesting him to make over the papers of the case to the Magistrate of Midnapore, "who, it was observed has the powers of an Assistant to the Superintendent of the Tributary Mehals." This officer, under his usual official seal, summoned two of the accused; they appeared before him; several witnesses were examined, and on* 13th December, 1880, he framed a charge against them under Section 500 of the Indian Penal Code. This charge was entitled as made by "the Assistant Superintendent of the Tributary Mehals."

*30th June, 1880.

†12th July, 1880.

*13th December, 1880.

On† the 18th January, 1881, the prosecution was abandoned against one of the accused, and Mr. Price directed his acquittal.

†18th January, 1881.

The remaining accused then examined his witnesses and the case was argued. Judgment has not yet been delivered; and the

accused has now moved the High Court to set aside the proceedings as having been without jurisdiction.

The question before us is whether the proceedings before Mr. Price, either as Magistrate of Midnapore or Assistant Superintendent of the Tributary Mehals, have been without jurisdiction; and whether, supposing them to be without jurisdiction, he is, in his capacity of Assistant Superintendent of the Tributary Mehals, amenable to the revision powers of the High Court.

The estate of the Rajah of Killah Mahurbhanj forms a portion of territory which was ceded by the Mahrattas to the British Government in 1803; it forms one of a group of estates known as the "Tributary Mehals."

The history of these Mehals, as shown by the Regulations, Acts, and orders of Government, and so far as concerns the present enquiry, is as follows:—

**Extension of Criminal Regulations of Bengal to Province of Cuttack.**

Regulation IV of 1804, after reciting that the province of Cuttack, including Balasore and other dependencies of the said provinces, had been ceded to the East India Company in full sovereignty, and that it was necessary to provide for the administration of criminal justice, formed the province into a "zilla," with two divisions and a Magistrate in each; extended the criminal regulations of Bengal, but provided that the Court should not have power to take cognizance of cases committed before the 14th October, 1803, the date on which the fort and town of Cuttack surrendered to the British arms.

**15th September, 1805, Collection of revenue.**

Regulation XII of 1805 provides for the collection of public revenue in zillah Cuttack. It recites, and, with certain modifications, confirms a proclamation issued by the Commissioners, 15th September, 1804, regarding the rights of landowners in the "Mogulbundee" tract of the zillah, *viz.*, that part in which the land itself was responsible for the revenue; and after generally extending the Regulations as to the settlement and collection of public revenue, it provides against the implication that any of those Regulations are for the present to be considered to be in force in certain enumerated jungle or hill zemindaries occupied by a rude and uncivilized race of people, with the proprietors of which engagements were formed by the late Board of Commissioners for the payment of a certain fixed Goverement rent or tribute to Government. The same exemption was extended to Mohurbhunj, with the provision that the Collector should conclude a settlement with the proprietors of that estate for the payment of a fixed annual Government rent on the same principle as that observed in the case of the other hill or jungle zamindars.

**Exemption of certain districts, amongst others Mohurbhunj.**

5th September, 1805, Cuttack, formed into a single zillah. Bengal regulation as to criminal justice extended to the zillah.

Regulation XIII of the same year deals with the maintenance of order and administration of justice in Cuttack, and (after excluding certain tracts) forms the rest of the district into one zillah instead of two as provided by Regulation IV of 1804.

But Mohurbhunj excluded.

Section 13 extends the Bengal Regulation as to criminal justice to the zillah, but exempts from its operation certain hill zamindaries and the territory at Mohurbhunj.

Civil Justice, 5th September, 1805.

Regulation XIV of the same year, in providing for the administration of civil justice, makes a similar extension of the Bengal Regulation, and contains a simllar exemption to that contained in Regulation XII.

By Regulation XI of 1816, provision was made for trying inheritance suits "in certain tributary estates" excepted by Regulation XIV, 1805, section 11, from the ordinary law. These suits were to be heard by the Superintendent of the Tributary Mehals, an officer who appears to have been appointed in 1814, (Hunter's Statistical Account of Bengal, Orissa, page 196) but of whose appointment no official notification has been brought to our notice. The sub-division of estates was forbidden, and no suit could be taken up, the cause of action in which arose previous to "14th October, 1803, the day on which the fort and town of Cuttack surrendered to the British arms."

An appeal from the Superintendent lay to the Sudder Adawlut, and in some cases to the King in Council.

The relations of the Rajah of Mohurbhunj to Government are defined by a "treaty engagement" executed by the Rajah, June 1st, 1829. By this the Rajah engaged with the East India Company always to maintain himself in submission and loyalty, to pay annually as peshkus for the killa Rs. 1,001, to apprehend fugitives from Orissa, to apprehend and give up for trial on demand any ryot who had committed "offence" within the Mogulbundee territories, to supply provisions to the Company's troops when "passing through my territories," to offer no impediment to subjects of the Company passing through "my boundaries," "to depute a contingent force of my own troops," and to act with the forces of Government against recusant Rajahs, receiving only rations.

Act XXI of 1845 enabled the Governor-General in Council to remove any of the estates mentioned in Section 2 of Regulation XI of 1816 (including Mohurbhunj) and to place them under the jurisdiction of an officer to be appointed by the Government of Bengal, and to be called Agent for the Suppression of Miryah Sacrifices, and his subordinates.

The agents so appointed were to be guided by instructions from time to time received from the Government of India through the local Government, and the Government was empowered to prescribe rules for their guidance and to prescribe the finality of their decisions in civil cases, and the class of criminal cases which they were to submit to the Sudder Court.

**Boundary disputes.**

Act XX of 1850, after reciting that certain zamindars and Mohurbhunj were temporarily exempted by Regulations XII and XIII of 1805 from the ordinary revenue and criminal law, and that it was desirable to provide for disputes as to the boundaries of zamindars, provided that in any boundary dispute between the excepted estates and estates subject to the Bengal Regulations, should be tried by the Superintendent of the Tributary Mehals, subject to confirmation by the Government of Bengal. On the 24th September, 1851, the Lieutenant-Governor of Bengal appointed Mr. Schalch, the Magistrate of Midnapore, to be an ex-officio Assistant to the Superintendent of the Tributary Mehals. In conformity with orders of the Secretary of State, 26th July, 1860, adoption sunnuds were granted to the Rajahs of these Mehals, which are therein described as "States," when subsequently the word "estates" was directed by the Lieutenant-Governor to be substituted. In speaking of them the Government of India directed that the designation of State, as employed by Lord Canning, should remain unaltered.

On the 12th December, 1870, the Secretary of the Bengal Government addreesed "The Magistrate as ex-officio Assistant Superintendent, Tributary Mehals," informing him that as ex-officio Assistant Superintendent of the Tributary Mehals, he was empowered to take up for trial all offences, committed within the Tributary Mehals, not punishable with death, and to pass sentences not exceeding seven years, submitting his proceedings in each case to the Superintendent. Trials thus conducted were to be as far as possible in accordance with the Criminal Procedure Code.

In 1872 the Government of India vested the Superintendent of the Tributary Mehals with the powers exercised by a Sessions Judge in regulation districts, and with power to hear appeals from sentences passed by any subordinate officer in Tributary Mehal cases.

On the 30th April, 1873, the Goverment of Bengal addressed the Superintendent of the Tributary Mehals in answer to a letter submitting a tabular statement of the powers then exercised by officers in the tributary estates of Orissa, and the powers which, in the opinion of the Superintendent, ought to be exercised in accordance with the spirit of the new Criminal Procedure Code, and authorised the Superintendent to exercise the powers of Magistrate of a district, of a Sessions Judge under Section 15 of the Act, and power to hear appeals from sentences under Section 36. The

Magistrates and ex-officio Assistant Superintendents of Tributary States were invested with powers of a Magistrate of the 1st class, and under Sections 36 and 222 of the Code.

Up to this point the effect of the Acts of the Government, political, executive and legislative, appears to have been, first, that the Tributary Mehals had become an integral portion of British India within the scope of the general powers of the Government, and subject to any legislative enactment duly passed in their behalf; and secondly, that they had been expressly exempted from the ordinary law of the country, and were administered by specially appointed officers, under special enactments. As to these orders it is important to remember that by virtue of Section 25 of the Indian Council's Act, 1861, (24 and 25 Cap. 67) no question can arise as to the validity of any rule, law, or regulation made by the Governor-General or the Lieutenant-Governor for non-Regulation Provinces prior to 1st August, 1861, on the ground of its having been made otherwise than in accordance with existing law.

We have now to consider whether the position of Mohurbhunj was affected by the Laws' Local Extent Act and Scheduled Districts' Act passed in 1874.

It has been urged that inasmuch as Mohurbhunj is not specified among the Scheduled Districts of Bengal in the first Schedule of Act XIV of 1874, or the 6th Schedule of Act XV of 1874, it is, under section 3 of the latter Act, subject to the ordinary law in force throughout British India.

This contention, however, proceeds, in my opinion on a misconception of the import and effect of those measures.

It is obvious from the preamble to Act XIV of 1874 that the "Scheduled Districts" specified in the Schedules of that Act and Act XV were not the whole, but merely "among" the parts of India which had either never been brought within, or had been removed from, the ordinary jurisdiction of the Courts.

It is indeed clear from the preambles and general language of the Acts that the object was to declare, and in some instances consolidate the existing law, and to clear away uncertainties as to jurisdiction where they existed; not to alter the political position of any district not expressly mentioned in them; and it was, no doubt, with this intention that section 8(K) of Act XV provided that nothing in the Act should affect the operation of any enactment not mentioned in any of the schedules. Now Regulations XIII and XIV of 1805, and Regulation XI of 1816, Act XXI of 1845, and Act XX of 1850, were in force at the time of the passing of Laws' Local Extent Act. They are not mentioned in the schedule to Act XV of 1874, and they are therefore unaffected by its provisions.

The position of the Tributary Mehals was accordingly, in my opinion, unaffected by the two measures in question. The subsequent repeal of some of the Regulations and Acts just mentioned would not, owing to the saving clause inserted in repealing Acts, *e.g.*, Section 1 of Act XVI of 1874, affect any established jurisdiction or form of practice or procedure or existing usage, office, or appointment, and we must hold accordingly that the Tributary Mehals are now, as they were in 1874, a portion of British India, which the Government has been pleased to exempt from the ordinary law and jurisdiction of the Courts, and to govern by means of special officials and enactments. If this be so, and if those special enactments have the effect of removing this part of the country from the ordinary criminal supervision of the High Court, it would be questionable whether the High Court had jurisdiction to interfere with the proceedings of the officials appointed by Government to administer the criminal law in the parts of the country so specially circumstanced. As to the laws now actually in force in Mohurbhunj, it is impossible to deny that the effect of Section 3 of Act XV of 1874 has been to produce some obscurity as to the position of those parts of India which, not being Scheduled Districts, as enumerated in the schedules to the Acts, are yet not administered in complete accordance with the law declared to be in force throughout the whole of British India except the Scheduled Districts, and that the difficulty thus occasioned is enhanced by the provisions commonly inserted in subsequent Acts, that the measure "shall extend to the whole of British India except the Scheduled Districts as defined in Act XIV of 1874." It might be urged with great cogency that the intention of the Legislature, as gathered from these Acts, and especially from the last paragraph of Section 1 of Act XIV of 1874, was that every part of British India not subject to the ordinary law should be administered in accordance with those Acts or with a scheme framed under the provisions of 33 Vic., Cap. 3.

It is, however, unnecessary for the purpose of the present decision to come to a precise conclusion as to the legal position of Mohurbhunj, the validity of the various orders of Government concerning it, or the competence of the officers appointed to carry out those orders. The Act with which we are concerned was not done in Mohurbhanj by an officer empowered to exercise jurisdiction there, but in Midnapore, by a Magistrate empowered to act under the Criminal Procedure Code, in an ordinary district, and trying a resident of that district. Now, whatever may be the powers of the Government as to Mohurbhanj, there is, in my opinion, no ground for the contention that those powers extend to empowering the legally constituted tribunals of a British district to follow in that district, and in the case of residents in it, any procedure and exercise any other jurisdiction than that created by the law. When, therefore, the Superintendent of the Tributary Mehals proceeded to exercise a power not conferred on him by the order of 1872, and in transferring a case from one district to another, and when the

Magistrate of Midnapore, dealing in Midnapore with a resident in the district, proceeded to exercise magisterial powers under another style, and to depart in some material particulars from the provisions of the Code as to prodecure, these officers seem to me to have been acting without jurisdiction, and their proceedings ought accordingly, in my opinion, to be set aside.

Sd. H. S. CUNNINGHAM,

*13th July, 1881.*

PRINSEP J. :—

One Dinabandha Patro charged Hursee Mahapatter before the Rajah of Mohurbhunj with defamation. The accused apparently is a ryot of the Rajah, holding lands and residing in Midnapore, and process was issued by the Rajah through the Migistrate of Midnapore for his attendance at Mohurbhunj. He petitioned the Magistrate of Midnapore not to execute this process, on the ground, not that the Rajah had no jurisdiction to try him, but that, as the Rajah was personally concerned, a fair trial would not be held. The Magistrate of Midnapore, who also holds the undefined office of Assistant Superintendent of Tributary Mehals, on 30th June, 1880, addressed the Commissioner of Cuttack as Superintendent, and apparently in that capacity his official superior, recommending that the case be transferred for trial either to Midnapore or Balasore.

On 12th July the Superintendent of Tributary Mehals directed the case to be tried by the Magistrate of Midnapore, and requested the Rajah to transmit the record to that officer. The trial then took place before the Magistrate of Midnapore, who, in the course of the proceedings, also signs himself as Assistant Superintendent.

The petitioner having thus succeeded in procuring the transfer of the case to Midnapore, has obtained a rule from this Court, on the ground that the proceedings of the Magistrate of Midnapore are without jurisdiction. I regret that from the nature of this objection we have been compelled to have the matter fully argued, for ordinarily such conduct would be deserving of on consideration.

This case has raised points of difficulty regarding the relations of the British Government towards the territory of Mohurbhunj; the jurisdiction of the neighbouring Magistrates and the Commissioner of Cuttack, or, as they are called, Assistant Superintendents, and the Superintendent of Tributary Mehal and finally, whether we have any power to interfere either as a Court of revision under the Code of Criminal Procedure, or under other power conferred on us under the charter of the High Court.

As regards this last point, it is argued that the Magistrate of Midnapore and the Superintendent of Tributary Mehals, having been vested with certain powers by the Government of Bengal, and in the

exercise of those powers being in no way subordinate to the jurisdiction of this High Court, we can have no control over their proceedings, and, at any rate, we can have no control until they shall have terminated in such a manner as to enable us to exercise our authority as in a writ of *haveas corpus.* It is sufficient, however, for the purposes of the present case, that I should state that in the view that I take of the relation between the Government and Mohurbhunj, it is unnecessary for me to consider the full extent of this argument. I should, however, be very disinclined to refuse to act on a *prima facie* good objection to proceedings taken by a judicial officer in British territory, acting under authority of a very doubtful character, until the person against whom such proceedings were directed had suffered in some way from the consequences of such doubtful jurisdiction. It is our duty to prevent, rather than endeavour to cure, the effect of injuries. If the argument be pressed to its extreme, it would be necessary for a man to be imprisoned, or to have been whipped or even to be under sentence of death, before we could intervene—a position, it would be impossible, to accept.

The point which we are really called upon to decide is whether the territory of Mohurbhunj is a foreign State or British India. I would, however, first of all remark that even supposing, for purpose of argument, that Mohurbhunj, is a foreign State, the Magistrate of Midnapore would have no jurisdiction to try the petitioner, because the offence charged (defamation) being an offence under Chapter 21 of the Indian Penal Code, no complaint having been made to him, he has, under Section 142 of the Code of Criminal Procedure, no authority to take cognizance of it. Further, it may be remarked that the Magistrate would not be competent to deliver him to the Rajah of Mohurbhunj for trial, inasmuch as the Magistrate is not a political officer as defined in Section 3 of the Extradition Act (XXI of 1879), appointed by one of the authorities mentioned in clause 2. Nor, as far as we are informed, is there any officer who could so act, supposing Mohurbhunj to be foreign territory.

I will now proceed to consider whether the tract of country known as Mohurbhunj is British India as defined by law, and to determine this it is necessary to consider the manner in which this territory has been dealt with by the legislature since its conquest by the British in 1803. From the terms of the treaty entered into between the Hon'ble East India Company and Senah Saheb Raghcjee Bhonsla on 17th December, 1803, it appears that the province of Cuttack, including the port and district of Balasore, was ceded in perpetual sovereignty to the former and Article 10 refers to certain treaties made antecedent by the British Government with feudatories of the Senah Saheb Soobah, which were then confirmed (see Aitchison's Treaties, Vol. III, pp. 97-98). These treaties were made with several of the Chiefs of the Cuttack Tributary Mehals, as they are now called, and are reproduced in Aitchison's Treaties, Vol. I, pp. 188 ET SEQ.

The Chief of Mohurbhunj was not among other Chiefs but that is not material, for it is clear that Mohurbhunj as well as other Tributary Mehals was ceded as, portion of the province of Cuttack. The terms of Regulation IV of 1804, and of Regulations XII, XIII, and XIV of 1805 show that within the term "dependencies of the province of Cuttack" was included the territory of Mohurbhunj.

Regulation IV of 1804, section 7, gives the 14th of October, 1803, as the date of this conquest and the commencement of the jurisdiction of the Courts established under that law for the administration of justice in criminal cases and the authority of the police and it was declared, the general regulations in force in the Provinces of Bengal and Behar shall be in force unless it should be otherwise specially directed in any such regulation.

In the following year, 1805, three regulations were passed relating to the zilla of Cuttack, namely, Regulation XII for the settlement and collection of public revenue, Regulation XIII for the maintenance of peace and the support and administration of police, and Regulation XIV for the administration of justice in civil cases; but the territory of Mohurbhanj, together with the estates of other hill or jungle Rajahs or zamindars, now denominated the "Tributary Mehals," was expressly excluded from the operation of these regulations, the concluding portion of each of those regulations containing a provision to that effect. The power of legislating for the territory of Mohurbhunj was therefore clearly asserted by the Regulations of 1805, but it was declared that for the present the exercise of such power would be reserved.

The preamble of Regulation XI of 1816 is to the following effect:—"Whereas it is necessary that provision should be made for receiving, trying, and deciding claims to the right of inheritance or succession in certain tributary estates in zilla Cuttack, which were excepted by Section 11, Regulation XIV of 1805, from the operation of the general rules for the administration of civil justice, established in the provinces of Bengal, Behar and Orissa, and whereas the nature of the tenures by which those estates are held, the character of the inhabitants, and other local circumstances, render it expedient that the estates in question should not be subject to partition, but should descent entire and undivided to the persons respectively having the most substantial claim according to local and family usage, the following rules have been enacted to be in force from the date of the promulgation of this regulation in zilla Cuttack." That law provided for a regular procedure with a right of appeal, first to the Sudder Dewanny Adawlut, and ultimately to the King in Council, in the matters above described. This is the first occasion in which I can find mention made of the office of Superintendent of Tributary Mehals.

The next legislative enactment in which reference is made to

the Tributary Mehals is Act XXI of 1845. That was an Act passed for the Suppression of Meriah Sacrifices in the Hill Tracts of Orissa. Section 1 made it "lawful for the Governor-General in Council, by an order in Council, to remove from the jurisdiction and superintendence of the Commissioner and Superintendent of the Tributary Mehals in Cuttack, any of the tributary estates specified in Section 2, Regulation II of 1816 of the Bengal Code, and to place any such estates under the jurisdiction and superintendence of such officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall from time to time be appointed by the Government of Bengal on that behalf." It is important, too, to note the terms of section 6, under which it shall be competent for the guidance of such agents and suborninates, and to determine to what extent the decision of the said agents in civil suits shall be final, and in what suits an appeal shall lie to the Sudder Court and to define the authority to be exercised by the said agents in criminal trials, and what criminal cases they shall submit for the decision of the Sudder Court.

Thus it appears from the terms of Act XXI of 1845 that the Commissioner of Cuttack, as Superintendent of Tributary Mehals, had some power over that territory, the exact extent of which power has not been made known to us; but that power, whatever it was, was not conferred by any legislative enactment, but that the legislature, in empowering the Governor-General in Council to remove that territory from his jurisdiction, thought it necessary specially to empower the Governor-General in Council to pass executive orders having the force of law, regulating and determining how far the orders of the Agents shall be final, in what suits an appeal should lie, what should be their powers in criminal trials, and what cases they should submit for decision of the Sudder Court.

The preamble of Act XX of 1850 is in somewhat the same terms as that of Regulation XI of 1816, in declaring that the territory of Mohurbhunj and certain jungle and hill zamindars in the zillah of Cuttack were temporarily exempted from the laws in force in other parts of India subject to the Government of Bengal. But it was found necessary to give jurisdiction to some officer of Government to determine disputes regarding the boundaries of those zamindaries. Accordingly, the Superintendent of Tributary Mehals was appointed for this purpose. These are all the legislative enactments especially relating to Mohurbhunj and other Tributary Mehals up to 1874. Act XIV of that year declared that that Act extends in the first instance to the whole ot British India within the territories mentioned in the first schedule thereto annexed, and among these schedules are to be found only two from among the Tributary Mehals. Those two Mehals, as they are termed, are the Mehals of Ungool and Banki, which had been taken under the direct management of Government some years previously in consequence of the misbehaviour of their hill Rajahs or Zamindars.

Act XV of the same year, which was passed simultaneously with Act XIV, declared that all the Acts mentioned in the first Schedule thereto annexed are now in force throughout the whole of British India except the Scheduled Districts, and Section 6 extended certain other enactments throughout the whole of the territories now subject to the Government of the Lieutenant-Governor of Bengal, except the Scheduled Districts subject to such Government. The term "British India" has been declared to be thus defined in all Acts made by the Governor-General in Council, unless there was something repugnant to the subject of context thereof. "British India shall mean the territories for the time being vested in Her Majesty by Statutes XXI and XXII Victoria, Cap. 106," and that statute, Section 1, declares "that the Government of the territories now in the possession or under the Government of the East India Company . . . . . . . . . shall cease to be vested in, or exerecised by, the said Company, and all territories in the possession or under the Government of the said Company. . . . . . . . . . . shall become vested in Her Majesty, . . . . . . . . . . . and for the purpose of this Act India shall mean the territories vested in Her Majesty as aforesaid, and all territories which may become vested in Her Majesty by virtue of any such rights as aforesaid."

So far, then, as the term of the Regulations and Acts of the Government in its legislative capacity it would seem that the territory of Mohurbhunj is "British Indian," and, unless specially exempted, subject to the same laws as the rest of British India. But it seems to me that, although Mohurbhunj is British India, and although the Acts of 1874 declared what was the law for British India, inasmuch as the concluding Section of Regulations XII, XIII, XIV of 1805 which expressly excluded the Tributary Mehals "for the present" from the operation of the general law of the country, we cannot rightly hold that the general terms of the Acts of 1874 override the special terms of the Regulations of 1805, and I am confirmed in this opinion on finding that, although there has been a very extensive repeal ot the older Regulations and Acts, those parts of the Regulations of 1805 to which I have referred are still in force. So far, then I am inclined to think that Mohurbhunj is British India, but at present not subject to any laws not specially extended to it.

It is however, contended that the fact that treaty engagements were entered into by the British Government with the Rajahs and Zamindars of these Tributary Mehals, shows that they were regarded as independent Rulers; and we have been referred to a treaty engagement published at pages 184 and 185 of the first Volume ot Aitchison's Treaties, Engagements and Sunnuds.

Now as regards the so-called treaty engagement, it appears to me that there is nothing in its terms which recognized the absolute independence of the Rajah of Mohurbhunj from the authority of

the British Government. The document is headed "Treaty Engagement executed by the Rajah of Killa Mohurbhunj, a Tributary Mehal, subordinate to Cuttack in the Soobah of Orissa." By it the Rajah engages to maintain himself in submission and loyalty to the Government, to pay annually in perpetuity for himself, heirs, and successors 1,001 Sicca Rs. as peshkush for the said Killah, to apprehend and send to the authorities any resident of British territory who may flee into Mohurbhunj; to deliver up any ryot of Mohurbhunj who may commit an offence in British territory and to refrain from enforcing any claim of his own on any resident of British territory, notifying the circumstances to the authorities, and acting on such orders as he might receive. He further engages to cause russud, etc., to be supplied to Government troops passing through his territory, and to help them with any further assistance that might be necessary; and that he will depute a contingent force of his own troops with the forces of Government for the purpose of coercion and the bringing of any recusant Rajah or other person into subjection to the aforesaid Government; lastly, he relinquishes a claim on account of a ferry.

Now it is only necessary to consider the terms regarding the deputation of a contingent force of his own troops by the Rajah to act with the force of Government, with a view to determine whether that constitues any ground for supposing the exercise of an authority independent of the Government. It is notorious that even in the present days native Chiefs in British territory, especially those in distant and jungle portions, do maintain a certain number of armed retainers and I have no doubt that at the time of the signing of this engagement the number of such retainers was larger than that now existing. A body of such men, known as Paiks in Orissa, in Government territory, existed even until a recent date. The preamble to Regulation XIII of 1805 states that it was the practice in the province of Cuttack, when under the Mahratta Government, to vest the immediate maintenance of the peace in certain SIRDAR PAIKS, also called KENDYTES, aided by inferior PAIKS under the orders and control of the said SIRDARS, for whose support lands were assigned under the orders and authority of the said Government, and that the general contract of the said SIRDARS and other PAIKS was vested at the time of the conquest of the province of Cuttack by the British arms in the Zemindars, tallookdars, farmers and other holders of land within the limits of their respective estates and farms. This state of affairs, so far as regards the province of Cuttack, with the exception of the Tributary Mehals was discontinued by that Regulation, and it may fairly be suppcsed that what existed in 1805 throughout the districts of Cuttack continued in the Tributary Mehals which were until 1829, disconnected therefore in 1805, and that this is what was referred to in the treaty engagement entered into by the Rajah of Killah Mohurbhunj on the 1st of June of that year. In other respects, that is to say, as regards the settlement of the PESHKUSH payable by the Rajah to the Government, the

provisions of the treaty engagement are clearly within the terms of Section 37, Regulation XII of 1806 and the other terms are only such as are ordinarily found in Kabulyats executed by Zemindars and farmers of the Government revenue with Government. I cannot therefore regard this engagement otherwise than as an agreement on the part of the Chief or Rajah of Mohurbhunj to the terms of the settlement concluded with the Collector of Cuttack under Section 37, Regulation XII of 1805, such as that officer was directed to make.

So far, then, as the course of legislation and the acts of Government with regard to Mohurbhunj, up to comparatively recent times, that territory was never even regarded as a foreign State. Government have from time to time asserted their power to legislate for it, and in bringing it within the operation of some laws, have declared that they for the present suspended further legislation. The concession of the right to adopt to the Chiefs of the Tributary Mehals under Lord Canning's proclamation of 1862, and the recent change in the designation of their lands as states instead of the term estates which had been used for nearly 70 years, cannot alter their status. On these grounds, I am of opinion that Mohurbhunj is not foreign territory, but that it forms a part of British India at present especially exempted from the operation of the laws in force in British India.

I have already referred to the indefinite character of the authority exercised by the Commissioner of Cuttack as Superintendent of the Tributary Mehals. Up to 1845 some authority was so exercised, but by Act XXI of that year power was given to the Governor-General in Council to withdraw it, and he was empowered to confer whatever Civil and Criminal powers he thought proper on the Agent for the Suppression of Meriah sacrifices and his subordinates. When that office was abolished is not very material, it is sufficient to state that the Act was repealed in 1874. But it is clear that the Commissioner of Cuttack as Superintendent of the Tributary Mehals, and the Magistrates of the district surrounding that tract of country as Assistants to the Superintendent of Tributary Mehals, have from time to time been empowered by the Government of Bengal to exercise powers as Criminal Courts of various grades in the Tributary Mehals. We have not been informed under what authority these powers were conferred, and looking at the state of the law which I have already discussed, I am of opinion that the Government of Bengal acted beyond its authority in so investing these officers. I have come to this conclusion because it was thought necessary by a special legislative enactment (Act XXI of 1845) to empower the Governor-General in Council to establish Civil and Criminal Courts in the Tributary Mehals, and to define the powers of the several grades of those Courts, and such power has been claimed and exercised by the Government of Bengal without any such authority, and next, because the fact that India Council's

Acts XXVI and XXV Victoria, Cap. 67, Section 25, by validating all orders passed by Government in non-Regulation Provinces, amongst which the Tributary Mehals may be fairly placed, shows that such orders were without the sanction of law, and required legal confirmation up to 1861. Any such orders are not open to question but this does not affect the validity of the orders conferring magisterial powers on the Magistrate of Midnapore over Mohurbhunj. We have been informed by the Standing Counsel, Mr. Phillips, who, having first appeared for the private prosecutor, appeared for the Government on our intimating that an officer of Government should argue the case before us on behalf of Government, that, as stated in a printed memorandum from the Bengal Secretariat that he handed up to us, the Bengal Government determind to pass "no permanent or defined rules" on the subject of the relative jurisdiction of the Superintendent of the Tributary Mehals and the Hill Rajah regarding the trial of criminal offences, "but directed that the spirit of certain proposed rules should be acted up to in all future cases, with certain limitation, and that the Rajahs should be informed that they are ordinarily amenable to the Superintendent's Court, subject to such instructions as may from time to time be furnished by Government."

On 12th December, 1870, the Secretary to the Government of Bengal informed the Magistrate of Midnapore that as an ex-officio Assistant Superintendent of the Tributary Mehals, he was "empowered to take up for trial all offences committed within the Tributary Mehals not punishable with death, and to deliver judgment and to pass sentence of simple or rigorous imprisonment for a period not exceeding seven years;" that his "proceedings will in each case be subject to the approval and sanction of the Superintendent of the Tributary Mehals, to whom they should be forwarded, and that the trials should be conducted as far as possible in accordance with the provisions of the Criminal Procedure Code."

On 8th August, 1872, the Viceroy and Governor-General in Council sanctioned the proposal of the Lieutenant-Governor of Bengal to "vest the Superintendent of the Tributary Mehals, Cuttack, with the same powers as are exercised by Sessions Judges in the Regulation Districts, and with power to hear appeals from all sentences passed by any subordinate officer in Tributary Mehals cases."

On 30th April, 1873, the Secretary to the Government of Bengal informed the Superintendent of the Tributary Mehals that "the Lieutenant-Governor authorized him to exercise the powers of a district, the powers of a Sessions Judge under Section 15, Cap. 3 of the new Criminal Procedure Code, and power to hear appeals from the sentences under Sec. 36."

But the Tributary Mehals being British India, and being specially excluded from the operation of all the laws in force in

British India, unless expressly extended to them, as I have clearly stated, I can find no authority for those orders of Government conferring powers on particular officers over criminal offences committed within the Tributary Mehals. It appears to me that until so expressly declared by a legislative enactment, there were no penal laws in force in the Tributary Mehals, and that consequently there was no authority to invest officers with certain powers to administer an unknown and uncertain penal law. We have been informed on the authority of HUNTER'S STATISTICAL GAZETTE, or Vol. XIX, page 198 (an authority not binding on us), that the Penal Code was, by order of the Government of India, dated 18th December, 1860, declared applicable to the Tributary Mehals. No such order can be found in GOVERNMENT GAZETTE, nor have we on inquiry been able to obtain it from the offices of the Government of India. But it would also seem from what has taken place in the proceedings now before us that the jurisdiction of the Rajah of Mohurbhunj in Mohurbhunj is admitted, but that jurisdiction is, it is said subordinate to that of the Superintendent of the Tributary Mehals, who can interfere with his proceedings. The Superintendent has been vested with certain powers under the Code of Criminal Procedure, and he has been told by Government that "trials should be conducted as far as possible in accordance with the provisions of the Criminal Procedure Code," but that Code gives the power of withdrawing cases from one Court and transferring them to another only to a High Court, or to the local Government. If he was acting under the Code, he exceeded his powers; but, as I have before said, I can find no authority for such interference at all.

Next, even supposing the case to have been lawfully withdrawn from the Rajah of Mohurbhunj, I can find no authority for the Magistrate of Midnapore trying it either as Magistrate or as ex-Officio Assistant Superintendent of Tributary Mehals in Midnapore.

For all these reasons I am of opinion that the rule must be made absolute, and that the proceedings taken before the Magistrate of Midnapore or Assistant Superintendent of Tributary Mehals must be declared to have been without jurisdiction and of no effect.

Sd. H. T. PRINSEP.

*The 13th July, 1881.*

# APPENDIX IV.

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## HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

### (Criminal Jurisdiction.)

*The 11th March, 1882.*

PRESENT :

The Hon'ble SIR RICHARD GARTH, Knight, Chief Justice,
,, CHARLES PONTIFEX,
,, GEORGE GORDON MORRIS,
,, ROMES CHUNDER MITTER,
,, HENRY THOBY PRINSEP,
Judges of the Court.

The Empress

*Versus*

1. Keshub Mohajan, 2. Bida Karan, and 3. Bhudru Gour ;

and

The Empress

*Versus*

Udit Prosad.

* * * *

MITTER, J.—

Upon the materials before us, I am unable to agree in the conclusion that Mohurbhunj is a foreign territory and not part of British India.

Section 2, Clause 8 of Act 1 of 1868 says :—" British India shall mean the territories for the time being vested in Her Majesty by the Statute 21 and 22 Vic., Cap. 106 ( an Act for the better Government of India), other than the settlement of Prince of Wales' Island, Singapore and Malacca." Section 1 of 21 and 22 Vic., Cap. CVI, is to the following effect :—" The Government of the

territories now in the possession or under the Government of the East India Company, and all Powers in relation to Government vested in, or exercised by, the said Company in trust for Her Majesty, shall cease to be vested in, or exercised by, the said Company, and all rights vested in, or which, if this Act had not been passed, might have been exercised by, the said Company in relation to any territories, shall become vested in Her Majesty, and be exercised in her name, and for the purpose of this Act, INDIA shall mean the territories vested in Her Majesty as aforesaid, and all territories which may become vested in Her Majesty by virtue of any such rights as aforesaid." Therefore the question for decision is, whether Mohurbhunj was in the possession or under the Government of the East India Company.

That Mohurbhunj is part of Zilla Cuttack is clear from the terms of Regulation IV of 1804, as well as from the concluding section of Regulations XII, XIII and XIV of 1805, and the preamble of Regulation XI of 1816.

The Regulation of 1804 was passed almost immediately after that part of the country came into the possession of the East India Company on the close of the Maharatta War, and extended the general Criminal Law in force under the Government of the East India Company to the province of Cuttack, including Balasore and its dependencies. That territory being formed into the Zilla or District of Cuttack, any doubt that might exist whether Mohurbhunj, or what is now known as the Tributary Mehals, was dealt with by that Regulation is removed by a reference to the Regulations (XII, XIII, XIV) of the following year which "for the present" withdrew all this tract of country from the operation of "all Laws and Regulations" which have been or shall be enacted (Regulation XIV, 1805, Section 13). The preamble to Regulation XI of 1816, moreover, describes Mohurbhunj as one of the tributary estates in Zilla Cuttack.

In the engagement entered into in the year 1829 by the then Rajah of Mohurbhunj (see Aitchison's Treaties, etc., Volume 1, page 184) he describes himself as "of Killa Mohurbhunj" of Cuttack,

Therefore it is quite clear, both from the Regulations passed by the East India Company, and the engagement executed by the Raja of Mohurbhunj, that Mohurbhunj is part of Cuttack.

The whole province of Cuttack was ceded to the British Government by a treaty, dated the 17th December, 1803, between Roghuji Bhonsla and the Honorable East India Company (see page 97, Aitchison's Treaties, etc., Volume III).

It has been said that the Maharatta Chief might have possessed only a Paramount Power over the Rajahs of the Tributary Mehals, the sovereign power being vested in them. But by the 2nd Article of the aforesaid treaty, the province of Cuttack, of which Mohurbhunj is a component part, was ceded "in perpetual sovereignty" to the East India Company.

It has been further said that, shortly after the cession of Cuttack, the British Government was not certain as to the exact status and position of the Tributary Rajahs, and that therefore the Regulations of 1805 were not extended to them. The language of these Regulations does not show any uncertainty in the mind of the Ruling Authorities as to the status of these Mahals. They were described in Sections 36 and 37 of Regulation XII of 1805 as "*Jungle or Hill Zamindaries*" or "estates." Their "tributes" are styled us "quit-rents." Referring to the settlement of Mohurbhunj, Section 37 says that it will have to be concluded with the "*Proprietor of that estate for the payment of a fixed annual quit-rent.*"

The reason for exempting the Tributary Mehals from the operation of the Regulations was not founded upon any uncertainty regarding their status or position, but upon the character of the inhabitants, who are described as "a rude and uncivilized race of people." Similar consideration influenced the Government in withdrawing Chota Nagpore in 1833 from the operations of the Regulations. In fact it is notorious that this was the cause of the formation of what are called non-Regulation Districts of British India.

Then in 1816 the Regulation No. XI was passed, vesting an officer under the British Government, *viz.*, the Superintendent of the Tributary Mehals, with the power of trying cases of inheritance or succession to these estates. A special procedure was also laid down in that Regulation.

It is said that these rules were laid down by the British Government as Paramount Power over the native sovereigns. But the Governor-General in Council could not pass any *Legislative Enactment* in respect of any foreign territory.

It may be noticed here that in the years 1845 and 1850 the Indian Legislative Council passed laws relating to these Mehals, and under Section 43 of 3 and 4, Wm. IV, Cap. 85, the Governor-General in Council had authority only to legislate in respect of territories under the Government of the Honorable East India Company.

It has been already noticed that in the year 1829 (that is several years after the British Government had legislated for Mohurbhunj, and had, by Regulation XI of 1816, assumed to it

self the right of determining the succession to the estate of Mohur bhanj by establishing special Courts and procedure for this purpose) an engagement was executed by the then Raja of Killa Mohurbhunj in favour of the Government of the Honorable East India Company. It is headed in the collection of treaties already referred to as "Treaty Engagement." Whether this heading is to be found in the document itself or not, or whether it is a mere description of it given by the editor of the collection of treaties, etc., I have no means of ascertaining. But in the body of the document itself it is simply called an engagement. By it the Rajah engages to maintain himself *in submission and loyalty to the Government of the East India Company*, to pay Sicca Rs. 1,001/- as peshkush *for the said Killa*, to depute a contingent force of his own troops with the forces of Government for certain purposes specified in it and to relinquish a certain specified claim which he had on "*The Government*," meaning thereby the Government of the East India Company. The two last clauses are very significant because they contain distinct admission on the part of the Rajah that there was no separate Government of his own within the Killa in question. The Rajah called the Government of the East India Company "*The Government*," meaning thereby that there was but one Government in the whole province of Cuttack of which Mohurbhunj was a component part.

Now it is said that the condition regarding the deputation of a contingent force of the Raja's troops to act with the forces of Government shews that the engagement was not executed by a Sovereign. That no such inference can be legitimately drawn from the condition in question is clearly shewn in the judgment of a Division Bench of this Court in Hursu Mohapatro *versus* Denobundhu Patro, I.L.R., 7, Calcutta, 523. The passage is to be found at page 542. I need not make an extract of it here.

In these Mehals the administration of civil justice, excepting in cases provided for by Regulation XI of 1816, and Acts XXI of 1845 and XX of 1850, has been left entirely in the hands of the native Rajah's who have no criminal jurisdiction, except in petty cases. The administration of criminal justice is, with that exception, in the hands of the officers under the British Government. Special rules of procedure were framed in 1839 by the then Superintendent of the Tributary Mehals, though they were not formally sanctioned by the Government, yet the officers entrusted with the administration of criminal justice in these Mehals were directed to follow the spirit of these rules as closely as possible.

The recent order of Government regarding the powers to be exercised by these officers are thus succinctly recited in the judgment of Cunningham, J., in the case already referred to (p. 531) :—"On the 12th December, 1870, the Secretary of the Bengal Government addressed the Magistrate as "EX-OFFICIO Assistant Superinten-

dent, Tributary Mehals," informing him that as ex-officio Assistant Superintendent of the Tributary Mehals, he was empowered to take up for trial all offences committed within the Tributary Mehals not punishable with death, and to pass sentences not exceeding seven years, submitted his proceedings, in each case, to the Superintendent. Trials thus conducted were to be, as far as possible, in accordance with the Criminal Procedure Code.

In 1872 the Government of India vested the Superintendent of the Tributary Mehals with the powers exercised by a Sessions Judge in Regulation Disiricts, and with power to hear appeals from sentences passed by any subordinate officer in Tributary Mehal cases.

"On the 30th April, 1873, the Government of Bengal addressed the Superintendent of the Tributary Mehals, in answer to a letter submitted a tabular statement of the powers then exercised by officers in the Tributary Estate of Orissa, and the powers which, in the opinion of the Superintendent, ought to be exercised in accordance with the spirit of the new Criminal Procedure Code, authorized the Superintendent to exercise the powers of Magistrate of a District and of a Sessions Judge under section 15 of the Act, and gave him power to hear appeals from sentences under section 36. The Magistrates and EX-OFFICIO Assistant Superintendents of Tributary States were invested with the powers of a Magistrate of the first class, and under Section 36 and 222 of the Code."

Upon the materials before us, we have therefore these facts established :—

(1) The cession of Cuttack, of which Mohurbhunj is a component part, to the Government of the East India Company in "perpetual sovereignty" in 1803.

(2) In 1804-1805 several Regulations were passed by the British Government treating the Tributary Mehals as part of Cuttack ceded to them.

(3) Legislative enactments were passed from time to time vesting officers under the British Government with power to decide suits of particular descriptions arising in these Mehals.

(4) An engagement was executed by the Rajah of Killa Mohurbhunj in 1829 to pay a certain amount of peshkush for the Killa, and to maintain himself in submission and loyalty to the Government of the East India Company.

(5) With very insignificant exceptions, British officers administer criminal justice in these Mehals.

In a case decided by the Judicial Committee of the Privy Council, reported in Indian Law Reports, 1 Bombay, 367, Donadun Gurdha *versus* Deoram Kanji, a similar question arose, *viz.*, whether a village named Gangli, which was admittedly in British territory, was ceded to a native sovereign or not? In the Province of Kattyad, the Thakur of Bhaunagar held certain taluqs which have never been brought under the ordinary administration of the British Government in India. For these taluqs the Thakur of Bhaunagar used to pay certain tributes to the Peshwa and the Gaikwar. The rights of the Peshwa and the Gaikwar in these taluqs were transferred to the East India Company between 1802 and 1820. The judicial administration in these taluqs was left in the hands of the Thakur down to 1831. In that year a Criminal Court of Justice in Kattyad was established for the trial of capital crimes in certain cases, the sentence of the Court requiring confirmation by the Bombay Government. By an order of Government the village Gangli was withdrawn from the ordinary jurisdiction of the British Courts of the Bombay Presidency and made part of these taluqs belonging to the Thakur of Bhaunagar. It was contended that this act of Government amounted to a cession of Gangli to a native sovereign, *viz.*, the Thakur of Bhaunagar. The Judicial Committee held that this act did not amount to a cession of territory, but it was intended to confer upon the Thakur of Bhaunagar within Gangli as large a criminal and civil jurisdiction as that which he exercised in these taluqs. It is clear that the status of Mohurbhunj is very much similar to that of these taluqs of Thakur of Bhaunagar. The Judicial Committee of the Privy Council was strongly inclined to the opinion that these taluqs formed part of British territory. This point was not expressly decided, because it was not absolutely necessary.

Some stress has been laid on the *Sanad* of adoption granted to the Rajah of Killa Mohurbhunj by British Government in the year 1862. But such *Sanads* were granted to persons who are admittedly holders of mere zamindaries and *jagirs* (see Aitchison's Treaties, etc., Vol. III, pp. 319, 320). On the whole, I am of opinion that Mohurbhunj is within British India.

The next question is, whether the conviction of the appellants is right, they not having been tried by the Superintendent of the Tributary Mehals.

I think the Tributary Mehals constitute by themselves a district within the meaning of the Criminal Procedure Code, and by the Government Order of 1872, the Superintendent was vested with the powers of a Sessions Judge. I am of opinion, therefore, that, having regard to the provisions of Section 70 of the Criminal Procedure Code, the conviction of the prisoners ought not to be set aside.

ROMESH CHUNDER MITTER.

PRINSEP, J.—

I have had the advantage of seeing the judgments of all my learned colleagues in this case, but I regret to be unable in any respect to alter the opinions expressed by me in the case of Dinabandhu Mohapatro, versus Harsu Mohapatro, I.L.R., 7, Calcutta, 523. That case was decided by Cunningham, J., and myself after hearing the arguments of counsel on both sides. In the present case the prisoners, appellants, have not been represented: the case has therefore been decided on ex-parte arguments.

The points for our decision are:—

FIRST.—Whether the territory of Mohurbhunj is or is not British India, as defined in the Statue 21 and 22 Vic., Cap. 106.

SECOND.—If it is British India, whether the Indian Penal Code and the Code of Criminal Procedure are in force within that territory.

THIRD.—If it is not British India, whether the prisoners can be properly tried in British India.

All these points were fully discussed and decided in the case of Dinabandhu Patro, versus Harsu Mahapatro, I.L.R., 7, Cal, 523; and as after hearing the matter re-argued by the law officers of Government, and Mr. Mon Mohun Ghose on behalf of the Rajah of Mohurbhunj, I see no reason to modify the opinion expressed in my judgment in that case; I do not propose to give the grounds of my opinion with the same fulness as I expressed them in that judgment. It will be sufficient that I should briefly state them, and at the same time mention the reasons for which I altogether dissent from the opinions of the majority of my learned colleagues.

I would first of all observe that it was no part of the argument in the case heard by Cunningham, J., and myself, that there was any difference between the status of Mohurbhunj and the other Tributary Mehals; and though this distinction has been made by my learned colleagues in this case, I find myself unable, for reasons which I shall presently state, to agree in that opinion. It will, I think, be more convenient to deal with the case first as if no such distinction existed.

The province of Orissa, as now known, together with the country termed the Tributary Mehals, was conquered by the British from the Mahrattas in 1803, and afterwards formed the subject of a treaty entered into with the Chief of the Mahrattas, Sewa Sahib Rughoji Bhonsla, on the 13th December, 1803, by which the country was ceded to us in "perpetual sovereignty." Treaties made by us during the course of the war with some of the Chiefs of the Tributary

Mehals who are described as feudatories of the Mahrattas were confirmed by the treaty. Mohurbhunj was not among those feudatories who had joined us, but that is immaterial, as will appear from the narrative of subsequent events. The British Government then proceeded to legislate for this new territory, and passed Regulation IV of 1804 to provide for the administration of Criminal Justice and the authority of the police. We learn from this Regulation that our rule dated, not from the date of the treaty of 13th December, 1803, but from that of the conquest of Cuttack, 14th October, 1803.

The Regulation deals with the "province of Cuttack, including Balasore and the other dependencies of the said province," and forms this country into the Zilla or district of Cuttack with two divisions. Whatever doubt there may be regarding the inclusion of the Tributary Mehals as dependencies of the province of Cuttack within the operation of this Regulation is removed by the Regulations passed in the following year. The Regulation IV of 1804 was repealed, and three Regulations were passed (XII, XIII, XIV of 1805), providing respectively for the Revenue, Criminal and Civil administration in the province of Cuttack, and every one of these Regulations specially exempt the Tributary Mehals from the operation of those laws which it is declared shall not be "construed for the present to extend to the estates of certain hill or jungle Rajhas or Zemindars," of which a list is given. There would have been no necessity for this provision if the law of 1804 had not been intended to apply, and did not apply, to the estates of these Rajas or Zemindars, and if, in the opinion of Government, the legislation for the province of Cuttack would not otherwise extend to these estates.

The preamble to Regulation X of 1816, which was enacted to provide for the trial and determination of "claims to the right of inheritance or succession in certain Tributary Estates in Zilla Cuttack," also confirms this view. Act XXI of 1845 is to the same effect, and so is the preamble to Act XX of 1850, which recites that "whereas certain jungle or hill zemindaries in the Zilla of Cuttack, enumerated in Section 33, Regulation XII, 1803, of the Bengal Code, and the territory of Mohurbhunj in the same Zilla are temporarily exempted by the said Regulation," etc., "and were temporarily exempted from the Laws and Regulations for the maintenance of the police and for the administration of justice in Criminal cases." That Act provided for the determination of boundaries of those zemindaries, not only as between them and what may be termed Regulation territory, but as between one another.

This is all the legislation on the subject, and from this, to my mind, it clearly appears that all the Tributary Mehals, have been regarded as country ordinarily subject to the laws in force under the British Government, but specially exempted "for the present" from their operation. The Tributary Mehals have also uniformly been

described as estates or zemindaries in Zilla Cuttack, of which they were first made part by Regulation IV of 1804. I regard the terms of the Regulations and Acts to which I have referred as clear and express on this point, and I cannot consider the legislation of the Government in thus temporarily exempting the Tributary Mehals from the operation of the general Laws and Regulations; in authorizing the Collector of Cuttack to conclude a settlement for the payment of a fixed annual quit-rent; in providing for the determination of all claims of inheritance or succession to those estates; in empowering the Governor-General in Council to prescribe rules for the guidance of such agents and their subordinates as he shall appoint, and for the powers to be exercised by them in civil suits and criminal trials; and in investing the Superintendent of the Tributary Mehals to determine all disputes regarding the boundaries between the several estates, as negative or of any doubtful meaning. If any further indication of the intention of Government is necessary, it is to be found in the orders passed by Government in 1814 when creating the Office of Superintendent of the Tributary Mehals which I shall presently quote.

I will next refer to what may be termed the executive or political action of Government with regard to the Tributary Mehals. Section 37, Regulation XII of 1805 declared that "it shall be the duty of the Collector of the Zilla (Cuttack) to conclude a settlement of that estate (*i.e.*, the lands known as the territory of Mohurbhunj) for the payment of a fixed annual quit-rent, on the principles on which a settlement has been concluded with the other hill or jungle Zemindars, specified in the foregoing section." These other Zemindars are the Chiefs of the other Tributary Mehals.

In accordance with the terms of Section 37, the settlement, which appears in Aitchison's Treaties, etc., Volume I, page 184 was in 1829 made with the Rajah of Mayurbhunj. The engagements with the Rajahs or Zemindars of the other estates known as the Tributary Mehals were made several years earlier; in fact, they are referred to in Section 36 of Regulation XII of 1805 as having been already entered into.

Some stress has been laid on the terms of the engagement entered into by the Rajah of Mohurbhunj in 1829 as shewing that he was not a subject of the British Government. That engagement is similar in all its terms to those entered into by all the other Rajahs, except the Rajah of Keonjhar, and, as I have already stated, the engagements of all those Rajahs formed the subject of Section 36, Regulation XII of 1805, and are mentioned as "settlements for the payment of a fixed annual quit-rent. The terms "estate," "Zemindar," "settlement" and "rent" applied to all the Rajahs of the Tributary Mahals, leave no doubt in my mind of their status with respect to the British Government. I have already in my judgment

in the previous case noticed the terms in the engagement which, in my opinion, do not bear the interpretation put on them by my learned colleagues. The Rajah styles himself as "of Killa Mohurbhunj of Cuttack." Zilla Cuttack has, since its conquest in 1803, invariably been a part of British Territory and British India, and therefore the reference to Zilla Cuttack would, in my opinion, only be an additional indication of the fact that Mohurbhunj was, as set forth in Regulation IV of 1804, a dependency of the province of Cuttack, and from that time a part of that Zilla. The expressions quoted from the treaty in the judgment of my learned colleagues appear to me of little significance. The succession to all these Rajahs has always been assured to them, and the British Government has gone further to establish special Courts to determine claims to the right of succession or inheritance (Regulation XI of 1826). The Government, moreover, in its desire to be guided by local custom in 1826, circulated among all these Rajahs 25 questions to ascertain the customs in their families, and their answers have always been used by our Courts in determining all questions of inheritance in that part of the country. The papers known as the Pachees Sawal (25 questions) have always been regarded as authoritative by our Courts, and have more than once been quoted to me without any objection in cases tried by me in this Court. The expression "my successors" in the treaty engagement is thus easily explained. The country having sometimes been described in the Regulation as the Territory of Mohurbhunj, I see no special force in the expression "my territories." As regards the co-operation of "a contingent force of my own troops," I would only again refer to the preamble to Regulation XIII of 1805, which describes the origin of the maintenance of such "troops" throughout Orissa, and shews that after all they are merely police levies kept for the protection of the country. The Orissa Paiks are well known to every one who has been officially connected with that part of India. The treaty engagement, too, is similar to those entered into by the other Rajahs, which were referred to with approval in Section 36, Regulation XII of 1805, and this was a Regulation for the settlement of the revenue of the province or Zilla of Cuttack. So far then as its terms, I cannot regard this treaty engagement otherwise than as the result of the settlement which it was the duty of the Collector of Cuttack (Section 37, Regulation XII of 1805) to conclude for the payment of a fixed annual quit-rent, NOT TRIBUTE.

Next in order come the rules of 1839. These were prepared by the then Superintendent of the Tributary Mehals, Mr. H. Ricketts, and submitted by his successor, Mr. Moffat Mills, for the sanction of Government. That sanction was never accorded. Instructions were, however, issued that the officers were to act up to the spirit of those rules. I can find no authority for ascertaining that the action of these officers was to be exercised at the request of the Rajah of Mohurbhunj, or any other Rajah. On the contrary, the Government Officers have always assumed a superior authority up to the present day,

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which seems to me to go far to indicate the exact position occupied by all these Rajahs. That such a state of things existed and has been continued is (to use the words of the Regulations of 1805) "owing to the rude and uncivilized race of people occupying those hill and jungle zemindaries," not, as has been stated in consequence of any doubt on the part of Government regarding its true relations with that territory.

But if it be necessary to refer to other evidence of the intention and policy of Government in their relations with the Tributary Mehals, I would quote the orders of the Governor-General in Council in 1814, when the appointment of Superintendent of the Tributary Mehals was created. These orders are particularly important from the early date on which they were issued, as well as from the occasion which called for them. The letter is addressed to the officer who was appointed the first Superintendent of the Tributary Mehals.

"With respect to the Office of Superintendent of the Tributary Estates, your attention is desired to the following remarks and instruction :—

"Under the existing Regulations* certain estates situated within the limits of the district of Cuttack are exempt from the operation of the general Regulations, but pay a fixed annual revenue to Government.

***Sections 36 and 37 Regulation XII, 1805 Section 13, Reg. XIII, 1805.**

"The Governor-General in Council does not understand that such exemption was founded upon any claims which the proprietors of those estates have to the exercise of independent authority. On the contrary, His Lordship in Council apprehends that it originated entirely from the opinion which was entertained of the uncivilized manners of the zemindars themselves, and of the inhabitants generally of those places, combined with the nature of the country which was supposed to consist for the most part of hills and jungles. These circumstances, of course, render it extremely difficult to execute any process of the Courts of Judicature, or otherwise to give effect to any orders which the Judge, the Magistrate or Collector in the discharge of their public functions may have occasion to enforce in any of those places.

"From this short review of the subject, it follows that the continuance of the above mentioned estates on their present footing is a mere question of expediency, and that there is not anything in the nature of our connection with the proprietors of them which should preclude us from placing them under the ordinary jurisdiction of the Civil and Criminal Courts, should it at any time be thought advisable, with reference to the points noticed in the preceding paragraph, to do so. It will, of course, be understood that in adopting any arrangements of that nature, no alteration is to be made in the amount of the

revenue payable by the proprietors of the above mentioned estates respectively which has been declared * to be fixed in perpetuity.

" Under the circumstances above noticed, it will be one of the first objects of your consideration to inform yourself whether any of the Mehals to which the foregoing paragraphs refer can be conveniently brought under the ordinary jurisdiction of the Civil and Criminal Courts, and to report the result of your enquiries on that subject to Government."

I further find from a selection of official papers published by the Government in 1867 as "papers of the Settlement of Cuttack, and on the state of the Tributary Mehals," that various Superintendents have, from time to time, endeavoured to obtain the introduction of some definite law into the Tributary Mehals, the necessity being generally recognized, untill in 1839 some rules were proposed by Mr. Moffat Mills, the then Superintendent, but that the Government probably for the same considerations as influenced them in enacting the Regulations of 1805 has hesitated to introduce any regular system. All these attempts were altogether in accordance with the directions of the Governor-General in Council, in his orders of 1814, in which by requiring the Superintendent, then appointed, to inform himself "whether any of the Mehals can be conveniently brought under the ordinary jurisdiction of the Civil and Criminal Courts, and to report the result of his enquiries on that subject to Government," he declared the policy of Government to be to make these Mehals, as soon as circumstances would permit, subject to the general law in force elsewhere.

It has been suggested that none af these acts of Government shew that they even took possession of this territory, but that all that the Government hae done is to exercise a sovereign control, as the Paramount Power, over the conduct of the Rajah, and has allowed him to rule the territory as an independent State.

I cannot accept this view for the following reasons :—

The British Government has repeatedly legislated for Mohurbhunj. The treaty engagement of 1829 was entered into under authority of a Revenue Regulation of 1805, declaring it to be the duty of the Collector to make a settlement with the Rajah for the payment of a fixed annual quit-rent for his estate, and even to the present time British officers have assumed to themselves the sole right to try in British India even inhabitants of Mohurbhunj for heinous offences committed by them in Mohurbhunj. Added to all these facts, we have the orders of Government of 1814.

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* Section 36, Regulation XII of 1805.

These papers of 1814 were not placed in my hands when I decided the case Dinobondhu Patro versus Harsu Mohapatro, I.L.R. 7, Cal. 523, and I refer to them with much satisfaction as confirming the opinions I then expressed and still entertain. Moreover, when, even up to the present day, officers of Government are directed to try, in what is beyond question British India, inhabitants of all these Tributary Mehals whenever charged with any heinous offence, I cannot agree that there has been any consensus between the British Government and the Maharaja of Mohurbhunj that the territory of Mohurbhunj should be no part of British India.

The last public document is the sunnud of Lord Canning of 1862. The right of adoption which it confirmed was one which I have already shewn has been recognized by the British Government since 1829. Mitter J., has further pointed out that similar sunnuds were granted to individuals who were undoubtedly British subjects.

No special importance can, in my opinion be attached to the grant of such a sunnud. It has not been contended that this sunnud made any alteration in the previously existing status of the Rajah, or that at any time there has been anything amounting to a cession of territory to the Rajah; but it has been stated that this sunnud is an indication that Government dealt with this territory as independent and not as British territory, and that it is evidence that it has at no time formed part of British territory. Such an interpretation is certainly not consistent with the Government orders of 1814 already quoted by me. But for the reasons above stated, I can attach no force to that sunnud.

Other papers, however. official correspondence, have been laid before us. So far from the Government having, as has been said, concurred in considering and treating this territory as no part of British India, I find that more than one Lieutenant-Governor of Bengal has not only insisted on its being under his Government, but has repudiated the idea of its being independent. There has certainly been no such admission, though other Leutenant-Governors allowed the matter to remain in doubt. The exemption of this territory from the ordinary legislation, and the application to it of special legislation on special subjects, seem to me, as I stated in my previous judgment, rather to shew that it has always been regarded as under our dominion and Governments, and I am confirmed in this opinion by the orders of the Governor-General in Council passed in 1814 which I have already quoted. There is no precedent, that I am aware of, in which our relations with any foreign State have been regulated by legislation, or that which has been termed our paramount "power" has been exercised in this manner. Legislative powers have been given by Statutes, from time to time, to be exercised over our own subjects and within our own dominions.

For these reasons I agree with Mitter, J., that Mohurbhunj, like other Tributary Mehals, is British India, but I regret to differ

from him that all Acts extended to British India apply also to it. It appears to me rather these territories have been expressly placed beyond the ordinary legislation; and that, until this exemption has been specifically removed, the laws in force generally throughout British India are not in operation in those parts. That the Legislature recognized such a contingency will appear from the preamble to Act XVI of 1874.

I am further unable to find any distinction between Mohurbhunj and other Tributary Mehals as regards its relations with Government. As I have before stated, this was never asserted by the Advocate-General or the Standing Counsel when they appeared before Cunningham, J. and myself in the case of Dinahandhu Patra, versus Harsu Mohapatra, I.L.R. 7, Cal., series, 523. But because Mohurbhunj was separately dealt with in Regulation XII of 1805, and because the treaty of engagement with the Raja was not entered into until 1829, several years after those with the other chiefs of the Tributary Mehals, it is sought to make some distinction between them and Mohurbhunj.

The reason why Mohurbhunj was separately dealt with by Regulation XII of 1805, appears from the terms of the two sections 36 and 37 which refer to it and the other Tributary Mehals. The Regulation was for the settlement of the land revenue of the district of Cuttack, Section 36 and 37, which refer to it and the other Tributary Mehals. The Regulation was for the settlement of the land revenue of the district of Cuttack. Section 36 confirmed the settlements for the payment of a FIXED ANNUAL QUIT-RENT by the Zemindar of the Cuttack Estates, all mentioned by name, and since known as the Tributary Mehals of Cuttack, and as no such settlement has been made with the Raja of Mohurbhunj, section 37 empowered the Collector of Cuttack to make a similar settlement with him. This settlement was the result of the treaty or engagement of 1829, which, as I have already pointed out, is precisely similar in its terms with the treaties or engagements entered into with the Rajas of all the other Tributary Mehals, except that of Keonjhar.

In conclusion, I must express my great regret at the unsatisfactory termination of the case. Not only has a bare majority of the Judges in a Bench of five overruled the opinions of four Judges that Mohurbhunj is in British India, but this has happened in a case tried EX-PARTE. How far this may be considered binding is doubtful. But the result is the more particularly unsatisfactory because the grounds upon which the decision of the majority has proceeded, distinguish between Mohurbhunj and the other tributary mehals, and the relations between the Government and those mehals remain in the same position as they were before the hearing of this case. Lastly, the present case concerns British subjects under trial for an offence committed in Mohurbhunj, whereas the Government has as-

sumed to itself the right of trying in Cuttack and other places, out of the tributary mehals, residents of those mehals who cannot, in the view of the majority of my learned colleagues, be regarded as British subjects, whenever any offence of a serious character has been committed in those mehals. That was the jurisdiction which I had to consider in the case of Dinobondhu Patro versus Harsu Mahapatro, I.L.R., 7, Calcutta, 523, but this point is not covered by the judgments now delivered. How far the exercise of this power is justifiable, I need not at present determine, but to me it seems to negative this proposition that the Indian Government and the Maharaja have, for a long series of years, concurred in considering or treating these territories as no part of British India.

H. T. PRINSEP.

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# APPENDIX V

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*No. 691, dated Cuttack, the 15th May, 1882.*

From

A. SMITH, ESQ.,

*Superintendent, Tributary Mehals, Orissa.*

To

The Secretary to the Government of Bengal,

*Political Department.*

* * * * *

6. The first question that arises for consideration is whether the Rajahs of the Tributary Mehals of Orissa have absolute right and property over the wild elephants found within their respective Mehals, or whether the wild elephants are the property of Government, and it can make rules for regulating their capture.

7. From what was said by the Hon'ble Mr. Thornton, in his speech of the 18th December, 1878, before the Legislative Council of India (Vide Supplement to *Gazatte of India* of the 21st idem ), it will be seen that, according to the oriental sentiment, the wild elephants are the special heritage of kings ; and if therefore the Tributary States of Orissa are a part and parcel of British India, the right of Government to regulate the capture of the wild elephants found within those States cannot be questioned. There appears however, to have recently arisen a diversity of opinion on this most important question. When in 1880 the matter was prominently brought forward by this office, Government, in its No. 268 of the 16th January of that year, said that the question was one which could only be conclusively and definitely settled by a decision of the Privy Council ; but there was a very strong agreement of authority in favour of the view that the Tributary States of Orissa are not technically part of British India. Recently a divisional bench of the High Court held, in the case of Hursi Mohapatra *versus* Dinabandhu Pati, that the Tributary Mehals are a portion of British India ; but in appeal the full bench of the High Court has, I am informed, taken a contrary view.

8. I have very carefully considered and studied this question, and I have come to the decided opinion that the Tributary States of Orissa are part of British India, as defined in Clause 8,

Section 2, Act 1 of 1868; and I think future legislation should distinctly recognize this, by expressly excluding the States, as they were excluded by the laws of 1805, from the operation of laws applicable to the directly administered portion of British India, unless it be decided to include them as scheduled districts. I have very fully expressed my views on the subject in this office letters to Government, noted in the margin, and it seems to me to be hardly neccessary to reiterate the arguments here; but as in connection with this subject the Maharajah of Mohurbhunj has sent to me a copy of his printed letter to Government on the subject of the decision of the divisional bench of the High Court, above referred to, and also a copy of Mr. Standing Counsel Phillips' opinion on the subject, I wish to make here a few observations thereupon.

**No. 1204 of the 24th Sept., 1881.**
**No. 477 of the 6th April 1882.**
**No. 511 of the 15th April, 1882.**

9. The Maharajah, arguing with the opinion of Mr. Phillips, holds that Mohurbhunj (one of the Tributary States of Orissa) is not part of British India; and his reasons for the same are summed up in paragraph 21 of his letter.

10. It is admitted that the Cuttack Tributary Mehals were ceded to the East India Company in 1803, but it is argued that, by an unbroken practice from that time to this, in nearly all essentials, the sovereign powers over those Mehals have been exercised by the Chiefs, and not by the British Government. It is quite true that since the cession up to the present time the Government has never assumed the direct management of these estates, and has allowed the Chiefs to exercise certain administrative powers within their respective estates; but it is to be understood that this was done not because the Tributary Chiefs had any right to the exercise of independent authority, but because it was considered expedient in consequence of the uncivilized character of the inhabitants, and the inaccessible nature of the country. Government might, at any time, have placed the Mehals under the jurisdiction of the ordinary Civil and Criminal Courts (Vide Government of India's order, quoted at page 97 of Government Selection No. III). The Tributary Chiefs have long been deprived of the essential privileges of sovereignty. They do not exercise the power of life and death, or the right of making war and peace, and they cannot therefore be regarded as sovereigns in any sense of the term. This explanation meets the arguments put forward in clauses 1 to 4, paragraphs 21 of the Maharajah's letter.

11. In clause 5 of the letter it is admitted that Act XXI of 1845 (now repealed) interfered with the internal administration of the Tributary Mehals; but it is argued that the subject of that

Act was such that the authority which the Government exercised in respect of the Tributary States might be exercised in the most important native states without derogating from the ordinary powers of sovereignty of the Chiefs of those States. This is true; but in the case of foreign States, Government would have interfered politically, and not by legislative enactment.

12. It is further argued that the other Regulations and Acts, cited in the judgment of the High Court, do not interfere with the internal administration of the Tributary Mehals, and Regulation X of 1816 recognized the position of the Chiefs as feudatories of the British Government; and the Regulations of 1874 (meaning probably the Scheduled Districts Act and the Laws Local Extent Act), which declared two of the annexed Tributary Mehals to be parts of British India, by including them in the Scheduled Districts, testified that the rest were not British territory, by excluding them from the schedule.

13. These arguments appear to me to be fallacious. It is clear, from the preamble to Act XIV of 1874, that the scheduled districts do not include all the parts of British India that have not been brought under, or have been removed from, the operation of the general laws or even all the portions so circumstanced in which doubt has arisen as to what laws are in force, but only that they are among the parts. This language clearly implies that in British India there are other places not under the operation of the general laws. The effect of Section 3, Act XV of 1874, is, however, in my opinion, to introduce the laws in Schedule II of the Act into the States, and I think they should be expressly excluded, as I have already recommended in my No. 477 of the 6th April, last. From the fact of the legislature having declared in Regulations XII and XIII of 1805 that the Bengal Regulations were not *for the present* to be considered as in force in the Tributary Mehals, the only inference that can be drawn is that the Government might, if it chose at any time, put the regulations in force; and this it can only do if those States in force; and this it can only do if those States are parts of British India. There is nothing in Regulation XI of 1816 to show that it recognized the position of the Rajahs as Feudatory Chiefs. Zemindaries which constitute private property without any incident of sovereignty are in India ordinarily subject to division amongst the heirs of the deceased proprietors; but there are exceptions to this rule, and these exceptions are recognized by the Hindu law. In the regulation districts, there are zemindaries belonging to certain old families, such as those of Aul, Kanika, Sukinda. Madhupur, etc., in Cuttack, which are not divided under the ordinary rules amongst all the children of the deceased, but descend to a single heir. Regulation X of 1800 made provision

for cases of this kind in Midnapore and Section 36, Regulation XII of 1805, provided for them in Cuttack. The Tributary States of Orissa are exactly similar to them, and with respect to them a special enactment was necessitated, because they had been, and still are, temporarily excluded from the operation of the general laws. The preamble to the Regulation declared it necessary that provision should be made for deciding claims to inheritance, because the estates had been excluded from the operation of the general rules for the administration of Civil Justice.

14. I am not now in a position to say under what circumstances the Tributary Mehals were included originally in the Scheduled Districts and Laws Local Extent Bills of 1870 and why they were excluded when in 1874 those Bills were passed into law. But it seems to me probable that, as under the older Regulations they had already been excluded from the operation of the general laws, it was considered unnecessary to extend to them the operation of Acts which were passed with the purpose of declaring what laws were in force, where there was doubt. Ungul and Banki were no doubt included, because their position as Tributary States had been altered. They had become Government estates and were being managed more or less in accord with our general system by officers appointed by us, and it was necessary to make clear rules for their guidance. In the case of the other estates, the omission, as I interpret it, simply meant that Government thought fit then, as before, to leave the administration of the States in the hands of the Rajahs. I have already remarked that I think provision should be made to remedy the effect of Section 2, Act XV of 1874, in respect of the Mehals. The remedy should include all laws otherwise made applicable to British India, which it is not desired to retain in force.

15. It is further argued that the executive Acts of the Government have recognized the position of the Cuttack Tributary Mehals as feudatory principalities, and in support of the argument it is stated :—

1st—That, with some limitation (as regards the exercise of the power of life and death), the Chiefs have in their hands the chief attributes of sovereignty, *viz*, the administration of police, and Civil and Criminal Justice (Vide paragraphs 12 and 17 of the Maharajah's letter to Government).

2nd—The Chiefs are not sued in the Civil Courts of British India (paragraph 15 clause 3, and paragraph 21 clause 6).

3rd—That Lord Canning issued to the Chiefs of the Cuttack Tributary Mehals, as to other feudatories in non-British Territory, sunnuds conferring on them the right of adoption.

16. It is a fact that Government has not assumed the direct administration of the police, and Civil and Criminal Justice in the Tributary States; but there are various ways of administering justice. Formerly, in Bengal and Orissa, ordinary Zemindars had charge of police and administered justice in civil and petty criminal cases; and in consideration of the wild character of the people of the Tributary States, Government has required the Zemindars of the Tributary Sates to continue to do this.

17. It is also a fact that the Tributary Chiefs are not amenable to the jurisdiction of the ordinary Civil Courts, and Government disallowed the proposals submitted by Mr. Superintendent Ricketts to make them amenable to the civil jurisdiction of the Superintendent; but it did so, not because it considered the Chiefs not to be British subjects, but because the rules were considered in their general scope to be of too extensive a nature and to involve more interference than was desirable, and as leading to weaken injuriously the influence of the Rajahs, which Government considered it expedient to maintain. The Chiefs, though not subject to the jurisdiction of the Civil Courts, are triable by the Superintendent for murder, homicide, mutilation, or any heinous crime—see paragraph 15 of the rules of 1840.

18. There is no correspondence in this office to show to whom, and under what circumstances, sunnuds regarding the right of adoption were granted by Lord Canning in 1862. It is understood, however, (see volume I, Kaye's Sepoy Mutiny, and other works) that the denial of the right of adoption and the escheat of native States, on failure of natural heirs, was considered to have been one of the causes which conduced to the Mutiny. I presume that the sunnuds were granted to allay the uneasy feeling that prevailed on the subject. The text of the sunnud is given at page 121, volume I of Aitchison's Treaties. The document appears to have been generally distributed. It commences with a statement that Her Majesty was desirous that the Government of the several Princes and Chiefs, who then governed their own territories, should be perpetuated, and that the representation and dignity of their own houses should be continued. It then stated that, in fulfilment of this desire, the suunud was given to convey the assurance that, on failure of natural heirs, the British Government would permit and confirm adoptions. It ends with an assurance that nothing will disturb the enagement, so long as the house is loyal to the Government and faithful to its obligations.

19. At the time this sunnud was granted, the Tributary Rajahs were not Princes or Chiefs governing their own territories, but subjects of the British Government, administering their estates under the control of the Superintendent on behalf of the British Government. Whether the Government of 1862, in granting them sunnuds in the form granted to Chiefs governing their own territories, deliberately intended to give them that status, instead of that which they formerly held, I cannot say. The sunnud conveys the right of adoption only; and having regard to the circumstances in which it was given, I consider it unlikely that anything further was intended to be conferred. Had it been deliberately intended to confer on the Chiefs, as their own, territories they had heretofore administered as territory belonging to the Government, the sunnud would surely have declared, in express and certain language, a concession so important. Practically there has been no change in the relations of the Chiefs to the Government. They have been treated not as alies, but as subject. If our laws have not been practically introduced into the States, we require their spirit to be observed in the administration, and the trial of heinous crimes is held by the Superintendent and his assistants under our own law. It was only as lately as August, 1881, that I went to one of the States and made a careful investigation into a death resulting from poison, in which a suspicion of murder attached to one of the Chiefs.

20. Some reference has been made in Mr. Phillips' note to the position of the States before the accession of the British. Some account of this will be found in Stirling's Orissa. The arrangements made by Rajah Man Şingh, who completed the work begun by Dewan Todur Mull, will be found at page 67. It will be seen that territory now subject to the regulations and territory now administered by the Zemindars were all practically treated alike. If we take the Zemindars under the Rajah of Khorda, the first, Banki, was exempted from the Regulations; the next, Dompara, was made subject to them. The other estates were similarly dealt with. There is no reason to suppose that the position of the estates to the ruling power varied materially, though no doubt the control over the distant ones was lax as compared with that over the near ones. When we acceded to the sovereignty, we took direct charge of what we found it convenient to manage, and we left the more distant parts temporarily to be managed, as formerly, by the Zemindars.

21. For the above reasons, and for those set forth in my letters to the Government quoted above, I am very decidedly of opinion that the Tributary Mehals of Orissa are part of British India, and I think therefore that Government has the power to make rules to regulate the capture of wild elephants in those estates.

# APPENDIX VI

## HISTORY OF THE STATES' POLITICAL RELATIONS WITH THE GOVERNMENT.

*The following is quoted from "A Collection of Treaties, Engagements and Sanads" by C. W. Aitchison, B.C.S. Published by the Government of India in 1930. (Vol. II, pp. 321—328).*

### Feudatory States of Orissa and Chota Nagpur.

There are now twenty-six States in direct relationship with the Governor in Council in his capacity as Agent to the Governor-General in Council, viz:—(1) Athgarh, (2) Athmallik, (3) Baramba, (4) Baudh, (5) Daspalla, (6) Dhenkanal, (7) Hindol, (8) Keonjhar, (9) Khandpara, (10) Mayurbhunj, (11) Narsingpur, (12) Nayagarh, (13) Nilgiri, (14) Pal-Lahara, (15) Ranpur, (16) Talcher, (17) Tigiria, (18) Bonai, (19) Gangpur, (20) Bamra, (21) Kalahandi, (22) Patna, (23) Rairakhol, (24) Sonepur, (25) Seraikela, (26) Kharsawan.

Of the above, the first seventeen were formerly known as the Tributary Mahals of Orissa; Nos. 18 and 19 were transferred in 1905 from the control of the Commissioner of Chota Nagpur to that of the Commissioner of Orissa at the time of the partition of Bengal; while Nos. 20 and 24 were transferred at the same time from the control of the Commissioner of the Chattisgarh Division of the Central Provinces to that of the Commissioner of Orissa; Nos. 25 and 26, formerly known as the Political States of Chota Nagpur, were until 1916 under the control of the Commissioner of Chota Nagpur.

Previous to 1906 all the States were directly under the control of the respective Commissioners; the Commissioner of Orissa having, in respect of the seventeen Tributary Mahals, the title of Superintendent of the Tributary Mahals, an office created in 1814. In 1906 a Political Agent was appointed under the Commissioner of Orissa for the twenty-four States under his control, but Seraikela and Kharsawan remained as before directly under the Commissioner of Chota Nagpur. In 1916, these two States were also added to the charge of the Political Agent. Finally in 1922, with a view to bringing these States in closer

touch with the Governor in Council as Agent to the Central Government, the functions previously vested in them were transferred to the Political Agent, who was designated Political Agent and Commissioner, Orissa Feudatory States. An Assistant Political Agent was at the same time appointed to assist in the administration.

## TRIBUTARY MAHALS OF ORISSA.

Until 1803 the Tributary Chiefs of Orissa were feudatories of the Raja of Nagpur. During the Mahratta war of that year a small British force marched from Ganjam and took the town of Cuttack on the 10th Oct., 1803. Balasore had been previously captured on the 21st September and, the plains of Orissa having been thus brought under British rule, negotiations were entered into with the Hill Chiefs. In November, 1803, engagements were executed by, and KAULNAMAS given to, the Rajas of Athgarh, Baramba, Daspalla, Dhenkanal, Hindol, Khandpara, Narsingpur, Nayagarh, Nilgiri, Ranpur, Talcher and Tigiria and also to the Rajahs of Angul and Banki and eight other KILLAS which have ceased to be Feudatory States (Nos. I and II).

After the defeat of the Mahrattas on the 2nd November, 1803, at the Barmul Pass, the Raja of Baudh and Athmallik tendered his submission to the East India Company (Nos. III and IV), while in 1804, the Raja of Keonjhar and Pal-Lahara executed a similar agreement and received a KAULNAMA (Nos. VII and VIII).

No Treaty was executed at this time with the Chief of Mayurbhanj, because a Rani occupied the GADDI and the succession was disputed; after her death in 1811 her successor executed IKRARNAMAS in 1812 and 1815 and a Treaty Engagement was first executed in 1829 (No. XVII).

Angul and Banki were in 1803 included among the Tributary Mahals; but in 1839 the Raja of Banki was found guilty of murder and was deposed, and his State declared forfeited; while in 1848 the Raja of Angul was likewise deposed for aiding the malcontents of Baudh in their opposition to those officers of Government who were engaged in suppressing human sacrifices, and for insubordination and open hostility to Government. Banki was, by Act XXV of 1881, incorporated with the district of Cuttack while Angul was formed into a Scheduled District under Act XIV of 1874 and is now, with the Kondhmals, a separate district, under Regulation I of 1894.

In a Treaty, dated the 17th December, 1803, (See Central Provinces No. II), between the East India Company and the Sena Sahib Suba Raghuji Bhonsla by which the latter ceded,

among other territories, the province of Cuttack including the Port and District of Balasore, it was stipulated that the engagements which the British Government had made with the feudatories of the Sena Sahib Suba in Orissa were to be confirmed, and that a list of the persons with whom such engagements had been made was to be given to the Sena Sahib Suba when the Treaty was ratified by the Governor-General in Council.

In the Regulations of 1805, all the Tributary States of Orissa, except Baudh, Pal-Lahara and Athmallik (of which no mention was made) were exempted from the operation of the Bengal Regulations.

The office of Superintendent of the Tributary Mahals of Orissa was created in 1814, being held by the Commissioner of Orissa as EX-OFFICIO Superintendent. Baudh and Athmallik were transferred to his control in 1837 from the jurisdiction of the South Western Frontier Agency, to which Gangpur and Bonai also belonged at one time. In 1839 and 1840, rules were framed for the administration of civil and criminal justice in the States; these rules were not formally promulgated but directions were issued that the Superintendent should be guided by their spirit and they were communicated to the Rajas. By these rules the Rajas were, among other things, prohibited from exercising the powers of life and death, and from allowing the practice of SATI and human sacrifices.

In 1842, all the seventeen States, except Khandpara, agreed to suppress SATI (No. XX).

In 1862, Sanads (No. XXIII) were granted to all the Chiefs guaranteeing them the right of adoption.

In 1874, the hereditary title of Raja was conferred on them all (No. XXVII).

The Chiefs of the Mahals were persuaded in 1875 to abandon all monopoly of salt and all restrictions on its free transit through, or sale in, their territories. No agreements, however, were taken on the subject.

In 1888, it was decided by the Secretary of State in Council, in accordance with a ruling of the High Court in the case of Mayurbhanj, that these seventeen States do not form part of British India, and, in consequence of this decision, new Sanads (Nos. XXXVI to LII) were given on the 27th October, 1894, to all the Chiefs, defining their status, powers and position.

In 1908, revised Sanads (Nos. LXXI to LXXXVI) were granted to those Chiefs (except Keonjhar who had resigned the Chiefship and whose State was under Government administration) in consequence of a memorial presented by several of them to His Excellency the Viceroy. The definite limitation of criminal powers laid down in the Sanad of 1894 (Nos. XXXVI to LII) was replaced by a clause requiring the Chief to conform to the instructions issued from time to time by the Lieutenant-Governor ; and the clause of that Sanad whereby the right to catch elephants was granted as a personal concession was deleted, arrangements for catching elephants being included in the matters on which the Chiefs are required to conform to advice. The designation of the officer whom the Chiefs are to consult was changed from "Superintendent of the Tributary Mahals" to "Commissioner of the Orissa Division" (SEE clause VIII of Sanad No. LXXI).

Revised Sanads were granted in 1915 (Nos. LXXXVIII to CIII) after the separation of the Province of Bihar and Orissa from the Province of Bengal. These Sanads are similar to those granted in 1908 except that the name of the Lieutenant-Governor of Bihar and Orissa in Council took the place of that of the Lieutenant-Governor of Bengal. The special provisions requiring the Chiefs of Athmallik, Baudh, Mayurbhanj and Pal-Lahara to pay nazarana on succession were omitted, the payment of nazarana having been abolished in 1911 on the occasion of the Coronation Darbar. A revised Sanad was not granted in 1915 to the Raja of Keonjhar as he had resigned in 1907 and his State was under the administration of Government ; but in 1927 a Sanad (No. CXXIV), based on that granted to certain of these Chiefs in 1915, was granted to the ex-Chief's son who had succeeded to the GADDI on the death of his father in 1926.

The powers exercised by British Courts in respect of criminal cases arising in the Mahals were regularised by Foreign Department Notification No. 3431-I of the 5th September, 1892, which was subsequently modified by Foreign and Political Department Notification No. 768-A-425-Intl. of the 1st April, 1922. The law and procedure to be observed in the exercise of this jurisdiction were laid down in Foreign Department Notification No. 1375-I. B. of the 21st March, 1900.

## BONAI AND GANGPUR.

Bonai and Gangpur, with a number of other States now under the Governor of the Central Provinces, were ceded to the British Government in 1803 (Central Provinces No. II) by the Mahratta Chief Raghuji Bhonsla, but were restored to him in 1806 (Central Provinces No. III). They reverted to the

British Government under the provisional agreement concluded with Mudhoji Bhonsla (Appa Sahib) in 1818 (Central Provinces No. V) and were finally ceded by the Treaty of 1826 (Central Provinces No. VI). They were formerly dependent on the Chief of Sambalpur, but this dependency ceased when they came under the British Government. For a time they formed part of the South Western Frontier Agency created in 1833, but they were transferred to the charge of the Commissioner of Chota Nagpur in 1854.

Settlements were made with both these States in 1827, which were renewed in 1875 and 1876 for twenty years by fresh Sanads (Nos. XXIX and XXXI).

In 1863, the Government of Bengal issued certain rules for the guidance of the Chiefs of the Tributary Mahals of Chota Nagpur in the administration of justice in their respective jurisdictions. By these rules the judicial powers of these Chiefs were limited to sentences of imprisonment up to two years or to fines not exceeding Rs. 50; or, subject to confirmation by the Commissioner of Chota Nagpur, to sentences of imprisonment up to five years and fines not exceeding Rs. 200. They had no powers of whipping, and all orders passed by them were subject to revision by the Commissioner. The rules also dealt with the management of police, prison, etc., in their States.

The powers exerecised by British Courts in respect of criminal cases arising in these two States are regularized by the same notification as that which governs these matters in the original Tributary Mahals of Orissa.

In 1882, an appeal was preferred to the High Court by one Mehta Kharia against a conviction and sentence passed upon him by the Commissioner of Chota Nagpur. The offence was committed in Gangpur and the case was referred by the Chief of the State to the Commissioner for trial. The accused was tried in Lohardaga. The case was heard by a Divisional Bench of the High Court, which rejected the appeal on the ground that the Court had no power to interfere.

The Secretary of State having decided in 1891 that the Chota Nagpur States do not form part of British India, new Sanads (Nos. LVII and LVIII) were granted to the Chiefs of Bonai and Gangpur in 1899, defining their status, powers and position and fixing their tribute for a period of 20 years. On the partition of Bengal in 1905 these were superseded by Sanads (Nos. LXII and LXIII), dated the 23rd December, 1905, fixing their tribute for a period of 14 years and appointing the Commis-

sioner of Orissa as the officer to be consulted by the Chiefs in place of the Commissioner of Chota Nagpur.

These Sanads were again superseded by revised Sanads granted in 1915 (Nos. CV and CVI) after the separation of Bihar and Orissa from Bengal. In these revised Sanads the Lieutenant-Governor of Bihar and Orissa in Council took the place of the Lieutenant-Governor of Bengal; and the clause requiring payment of nazarana on succession was omitted.

Sanads of Adoption were also granted in 1914 (No. CIV) to these two States, in order to place them on the same footing in this respect as the Chiefs of the other groups who already enjoyed the privilege.

The revised Sanads of 1915 were further revised in 1919 to bring them more into conformity with those granted to the Chiefs of other Orissa States (Nos. CXVI and CXVII). In the Sanad of 1919 the specific control of Government over the appointment of State officers was withdrawn. The clause limiting the right to catch elephants was also omitted and this matter was included among the important matters on which advice should be taken.

The tribute paid by these two States was enhanced in 1924.

## CENTRAL PROVINCES STATES.

Bamra, Kalahandi or Karond, Patna, Rairakhol and Sonepur were formerly included among the States in the Chhattisgarh Agency, and their early general history is dealt with in Part IV (Central Provinces). With the exception of Kalahandi, Kabuliats were executed in 1827 (No. XIV) by these Chiefs by which their revenues payable to Government were fixed, nominally for five years, but at the expiry of that period the agreements were not renewed. A separate Engagement (No. XV) was at the same time taken from each Chief binding him to use rightly the judicial and police powers entrusted to him, the powers of the Chiefs in criminal cases being in practice limited to the infliction of seven years' imprisonment. In 1866 Sanads (No. XXXIV), dated the 20th May, 1865, guaranteeing the Chiefs the right of adoption, were forwarded to the Commissioner of Chhattisgarh for delivery to the Chiefs of Bamra, Kalahandi, Patna and Sonepur. The one granted to Raja Bishan Chandra Jenamani of Rairakhol is dated the 23rd May, 1866, (No. XXV) as previous to that time he had not been recognised as a Feudatory Chief. In the following year Sanads, dated the 4th September, 1867 (No. XXVI), were granted to these Chiefs

recognising them as feudatories and fixing their tribute for 20 years. In February, 1888, the tribute payable by the Chiefs was enhanced. On the 23rd December, 1905, when the States were transferred from the Central Provinces to Bengal on the partition of the latter Province, fresh Sanads (Nos. LXIV to LXVIII) were granted to them, fixing their tribute for 20 years with effect from 1888. In these Sanads the designation of the Chiefs was changed from Tributary to Feudatory.

These Sanads were revised in 1915 (Nos. CVII to CXI) to give effect to the changes arising from the separation of the Province of Bihar and Orissa from Bengal, and in the new Sanads the tribute payable by each State (which was enhanced in 1900) was fixed for a period of thirty years from 1909 to 1939.

Since 1926 the confirmation of death sentences in these five States has been reserved to the Governor in Council.

## CHOTA NAGPUR STATES.

### SERAIKELA AND KHARSAWAN.

Seraikela and Kharsawan were, with Bonai, Gangpur, Surguja, Udaipur, Jashpur, Korea and Changbhakar, included in the South Western Frontier Agency on its creation in 1833. The designation of the Agency was changed in 1854 to that of "Commissionership of Chota Nagpur." In October, 1905, Surguja, Udaipur, Jashpur, Korea and Changbhakar were transferred to the Central Provinces, while Gangpur and Bonai were placed under the Commissioner of Orissa. Seraikela and Kharsawan remained under the Commissioner of Chota Nagpur, assisted by the Deputy Commissioner of Singhbhum, and from 1916 by the Political Agent, Orissa, till in 1922 they were transferred to the Orissa Agency.

The Singhbhum country was never conquered by the Mahrattas and was in the position of an independent State when Raja Ghansham Singh tendered his allegiance to the British Government in 1819. The object of the Raja in so doing was partly to be recognised as owning the allegiance of his kinsmen, the Raja of Seraikela and the Thakur of Kharsawan, whose States are situated in the Singhbhum country, and partly to procure assistance in subduing the refractory tribe of the Larka Kol. The Raja's pretensions to supremacy were not recognised; but an Agreement (No. X) was in 1820 taken from him only as regarded his own Estate. It was apparently intended that separate engagements should be taken from the Raja of Seraikela and the Thakur of Kharsawan, but this was not done.

The refractory Larka Kol were subdued in 1821, and an Agreement (No. XI) was made with them, by which they bound themselves to be subject to the British Government, and to pay a fixed tribute to their Chiefs. But in consequence of repeated outrages, it was found necessary to send a force against them in 1836, when fresh arrangemtns were verbally made and solemnly sworn to, by which they bound themselves to obey, and pay revenue to, the British Government. In 1838, each of the headmen received a Sanad (No. XIX) and patta, in the former of which all the conditions which they had sworn to abide by were specified. Whenever a new headman is appointed he receives a Sanad, and swears to abide by the conditions. In 1857 a large number of the Larka Kol espoused the cause of the Raja of Singhbhum in his rebellion against Government; but on the restoration of order they reverted to peaceful pursuits.

Part of the Estate of the Raja of Singhbhum, afterwards styled the Raja of Porahat, was confiscated in January 1858 for rebellion, and granted to the Raja of Seraikela and the Thakur of Kharsawan, for which they received Sanads (Nos. XXI and XXII), while the quit-rent of Rs. 97/- paid by the Thakur of Anandpur, whose Estate was held in subordination to the Raja of Porahat, was remitted in perpetuity. The remainder of the Singhbhum Raja's Estate was sequestrated during the Raja's lifetime, and Government declared that on his death a member of his family should be reinstated in Porahat. Arjun Singh, the ex-Raja, was in 1862 granted an increased pension of Rs. 400/- which was raised to Rs. 600/- in 1888. He died in March 1890. By Act II of 1893 it was enacted that the Estate should thenceforth be part of the Singhbhum district. Certain portions of the Estate were granted in 1859 to diverse individuals, and in 1895, by an Indenture, dated the 4th October (No. LIII), the unalienated portion was granted as an inalienable, impartible, revenue-free ZAMINDARI to Arjun Singh's only son, Kumar Narpat Singh.

The States of Seraikela and Kharsawan pay no tribute or *peshkash* to Government. They were originally called Political States; but, the Secretary of State having decided in 1891 that they, and the other Chota Nagpur States, were not part of British India they were formally recognised as Feudatory in 1899, when Sanads were granted to them defining their status, powers and position with reference to the British Government (Nos. LIX and LX). These Sanads were superseded by revised Sanads granted in 1915 (Nos. CXII and CXIII) and differ from the previous ones in that the Lieutenant-Governor of Bihar and Orissa was authorised to recognise successions on behalf of the Governor-General, and, and the clause requiring payment of nazarana on succesion was omitted.

Sanads of Adoption were granted to the Chiefs in 1914 (*see* No. CIV).

The hereditary title of Raja was conferred on the Chiefs in 1917 (No. CXV).

The Sanads of 1915 were revised in 1919 when fresh Sanads (No. CXVIII and CXIX) were granted to the Chiefs on the lines of those granted in the same year to Bonai and Gangpur. In the new Sanads the special control of Government over the appointment of State officers was withdrawn and the clause limiting the right to catch elephants was omitted, this latter matter being included among the important questions on which advice should be taken.

In common with the other States in Chota Nagpur the Chiefs of Seraikela and Kharsawan were to be guided by the rules framed in 1863 limiting their judicial powers. The powers exercised by British Courts in respect of cirminal cases arising in these States have been regularized by Notification No. 768-B—425—Intl., dated the 1st April, 1922, of the Foreign and Political Department, which also indicates the law and procedure by which such Courts are to be guided.

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## Treaty Engagement and Sanads.

### No. I.

TREATY ENGAGEMENT executed by the RAJAH OF KILLAH KANIKA, a Tributary Mehal Subordinate to Cuttack, to the HONORABLE EAST INDIA COMPANY'S SPECIAL COMMISSIONERS FOR THE SOOBAH OF ORISSA, MESSRS. HARCOURT AND MELVILLE.—1803.

I, Rajah Balabhadra Bhunj, Rajah of Killah Kanika, in the Soobah of Orissa, engage faithfully and correctly to abide by this Engagement, entered into by me with the Honorable East India Company as contained in the following clauses, to wit :—

*Clause* 1.—I will always hold myself in submission and loyal obedience to the Honorable East India Company aforesaid.

*Clause* 2.—I will continue to pay, without demur, to the said Government as my annual peshkus or tribute, 84, 840 Kahuns of Cowrees, in three instalments as specified herein below.

*Clause* 3.—I will on demand to that effect, cause any person who is an inhabitant of the Soobah appertaining to the Honorable Company aforesaid, and who may have fled and come into my territory, to be forthwith arrested and delivered over to the Government.

*Clause* 4.—Should any person, who is a resident in my territories, commit a crime within the limits of the Mogulbundi, I hereby engage, on demand to that effect, to cause such person to be arrested and delivered over for trial to the Government authority. Moreover, I further bind myself, in cases where I may possess any claim or demand on one who is an inhabitant of the Mogulbundi, not of my own authority to enforce such claim; but I will notify the same to the constituted authority and will act in accordance with such orders as may issue from him.

*Clause* 5.—I engage that whenever the troops of the Honorable Company's Government shall pass through my territories, I will direct the people of my Killah to supply, to the extent of their capability, all *russud* and supplies, which shall be sold at fair prices. Further I will, on no manner of pretext whatever, ever stop or detain, or offer any let or hindrance to, any subject of the Honorable Company's Government, or to any other person whatever, who may be proceeding by land or water, with goods or orders, or with any perwannah on the part of the Government, through my boundaries, and will rather take care that no loss or mischief shall befall such parties in life or goods.

*Clause* 6.—In case any neighbouring Rajah or any other person whatever shall disobey the said Government, I engage, on demand and without demur, to depute a contingent force of my own troops with the forces of Government for the purpose of rebuking and chastising such rebel and bringing him under the subjection of the aforesaid Government. Such contingent to receive only rations agreeably to the previously current practice, so long as they shall be present.

These shall be the instalments of my peshkus, to be paid :—

| | | | Kahuns. |
|---|---|---|---|
| In the month of | Cheyt | .. | 28,840 |
| Ditto | Jeyt | .. | 28,000 |
| Ditto | Asar | .. | 28,000 |
| | | TOTAL | 84,840 |

Dated, the 22nd November, 1803,
Saban 6th, 1211, Umlee.

*N.B.*—Similar Treaty Engagements were executed by the Rajahs of all other Killahs or Tributary States and other Zamindars, the amounts of the tributes being different in each case. It is to be noted here that Killah Kanika and eight others were subsequently turned into permanently settled Zamindaris, while the others became the present States of Orissa.

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## No. II.

KAOOL-NAMAH granted by the HONORABLE EAST INDIA COMPANY'S COMMISSIONERS for the SOOBAH of CUTTACK to RAJAH BALBHADRA BHUNJ, RAJAH of KNIKA.—1803.

We, Lieutenant-Colonel George Harcourt, commanding the victorious troops of the Honorable East India Company and Commissioner of the Soobah of Orissa, and John Melville, Commissioner of the same, appointed by the Most Noble the Marquis of Wellesley, Governor-General, for the Settlement and pacification of the said Soobah, do, on behalf of the East India Company, execute this acknowledgment as set forth in the following paras, to Rajah Balbhadra Bhunj, Rajah of Killah Kanika, in the said Soobah of Orissa.

*Clause* 1.—The annual peshkus payable by the Rajah for his Rajgee of the said Killah, is fixed in perpetuity at 84,840 kahuns.

*Clause* 2.—No further demand, however small, shall be made on the said Rajah or received from him, as nuzzur, supplies, or otherwise.

*Clause* 3.—The Government of the Honorable East India Company, it is well known, is ever gracious to those Rajahs who are always loyal and obedient to them, and constant in the impartial administration of justice to all its subjects alike, and therefore in like manner extends the same impartiality to the Rajahs, such as have been indicated above, and seeks always their prosperity and peace. Therefore any just representation or complaints made to the Government by the said Rajah of Kanika will meet with a decision in accord with justice.

*Dated 22nd November, 1803.*
*Saban 6th, 1211.*

G. HARCOURT, *Lieut.-Colonel.* }
J. MELVILLE. } Commissioners.

*N.B.*—Similar Kaool-namahs were granted to all the other Rajahs who had executed Treaty Engagements.

## Sanad granted to the Chief of Athgarh, defining his status, powers and position with reference to the British Government,—1915.

Whereas the status and position with reference to the British Government of the Feudatory State of Athgarh in Orissa require to be freshly defined; the Governor-General in Council is pleased to grant to you the following SANAD, with a view to assuring you that the British Government will continue, as long as you remain loyal to the Crown and abide by the conditions of the SANAD, and of your other engagements with the British Government, to maintain you in the position and privileges which you have heretofore enjoyed or which are now conferred upon you:—

I. You, Raja Bahadur Sri Karan Biswanath Bebarta Patnaik, son of Raja Sri Karan Jagannath Bebarta Patnaik, are hereby formally recognised as the Feudatory Chief of the Athgarh State, and you are permitted, as heretofore, to administer generally the territory of the said Athgarh State, subject to the conditions hereinafter prescribed. In like manner your heirs and successors shall become entitled to your privileges, and liable to your obligations, provided that no succession shall be valid until it has been recognised by the Governor-General in Council or by the Lieutenant-Governor of Bihar and Orissa in Council on his behalf.

II. You shall continue to pay the tribute or *peshkash* of rupees two thousand and eight hundred per annum, which you and your predecessors have heretofore paid.

III. You shall conform, in all matters concerning the preservation of law and order, and the administration of justice generally, within the limits of your State, to the instructions issued from time to time for your guidance by the Lieutenant-Governor of Bihar and Orissa in Council.

IV. You shall deliver up any offender from British or other territory, who may take refuge in your State. You shall aid British officers who may pursue criminals into your territory, and, in the event of offenders from your own State taking refuge in British or other territory, you shall make a representation in the matter to the authorities concerned.

V. You shall administer justice fairly and impartially to all alike.

VI. You shall recognise and maintain the rights of all your people and you shall on no account oppress them or suffer them to be in any way oppressed.

VII. You shall levy no transit duties on grain, merchandise, or any article of commerce passing through your State.

VIII. You shall consult the Commissioner of the Orissa Division, or any officer duly vested with authority in that behalf by the Lieutenant-Governor of Bihar and Orissa in Council, in all important matters of administration, and comply with his wishes. The settlement and collection of the land revenue, the imposition of taxes, the administration of justice, arrangements connected with excise, salt and opium, and for catching elephants, the concession of mining, forest, and other rights, disputes arising out of any such concession, and disputes in which other States are concerned, shall be regarded as specially important matters, and in respect to them you shall at all times conform to such advice as the Commissioner of the Orissa Division, or such other officer aforesaid, may give you.

IX. All questions as to boundaries between your State and British or other territory shall be dealt with by the Commissioner of the Orissa Division, or such other officer as the Government of India or the Lieutenant-Governor of Bihar and Orissa in Council may appoint, generally or specially in that behalf, with two assessors, one of whom is to be nominated by yourself, unless in any such case you should prefer that the question should be decided by such Commissioner or other officer alone, in which case the question shall be referred for his decision accordingly.

HARDINGE OF PENSHURST,
*Viceroy and Governor-General of India.*

Simla;
The 15th May, 1915.

N.B.—Similar Sanads were granted at the same time to all [illegible]s, clauses III, IV, V, VI, VII, VIII and IX being [illegible]ical with those in the above Sanad. These Sanads remained [illegible] force [illegible] 1937 with some minor changes.

## Sana granted in 1937 to the Rajas of the Orissa States with minor modifications in individual cases according to classification.

Whereas it appears to the British Government that the time has come when the existing restrictions on the judicial and

administrative powers of the State of . . . . . . may be modified, His Excellency the Viceroy is pleased to grant to you, . . . . . . . . . this *sanad* with a view to assuring you that, so long as you remain loyal to the Crown, the British Government will continue to maintain you in the position and privileges which you have heretofore enjoyed and to permit you to govern your own territory, subject to the conditions hereinafter prescribed. In like manner your heirs and successors will become entitled to your privileges and liable to your obligations.

1. That you shall pay to the British Government regularly rupees . . . . . . . . . . per annum.

2. That you shall exercise full civil and criminal jurisdiction except that persons sentenced to death shall be given every facility for submitting a petition for mercy to the Agent to the Governor-General, Eastern States. The obligation to refer sentences of death for confirmation by the Agent to the Governor-General may be reimposed at any time should it be desirable in the opinion of His Excellency the Viceroy to do so.

3. That you shall do your utmost to suppress crime of all kinds in your State.

4. That you shall administer justice fairly and impartially to all alike.

5. That you shall recognise and maintain the rights of all your people and on no account oppress them or suffer them to be in any way oppressed and that in particular you shall charge yourself personally with the welfare of the aboriginal population of your State.

6. That you shall act in accordance with such advice as may be given to you by the Agent to the Governor-General, Eastern States, or such other Political officer as may be vested with authority in this behalf by His Excellency the Viceroy.

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Printed by Rev. E. R. Lazarus, Supt., Orissa Mission Press, Cuttack—1939.
Published by Balvantray G. Mehta, Secretary, All-India States People's Conference, 138, Medows Street, Fort, Bombay.